

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern District)

DAVID A. BOSHEA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Case No. 1:21-CV-00309-ELH  
 )  
 COMPASS MARKETING, INC., )  
 )  
 Defendant, )  
 and )  
 )  
 COMPASS MARKETING, INC., )  
 Third-Party Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN DOE(S), )  
 Third-Party Defendants.)

The sworn statement of JOHN WHITE,  
taken for the purposes of discovery, commencing  
at 10:17 a.m. Central Standard Time on the 18th  
day of May 2022, before Jason Fallen,  
of Thompson Court Reporters, located at 1017 W.  
Washington Blvd., Unit 2F, Chicago, Illinois, 60607,  
appearing via Zoom videoconference meeting.  
The deposition concluded at 5:41 p.m. Central  
Standard Time.

APPEARANCES:

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On behalf of the Defendant.

ALSO PRESENT:

Mr. David Boshea, Plaintiff.

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(RETAINED BY COUNSEL)

1 MR. REPORTER: I just have a couple of things to  
2 mention prior to going on the record. Remote  
3 depositions are more challenging. We ask all  
4 participants to speak clearly and one at a time. The  
5 witness will be sworn in remotely. The parties agree  
6 not to challenge the validity of the oath, even if the  
7 court reporter is not physically present with the  
8 witness and not a notary public in the state where the  
9 witness resides.

10 Here begins the Web conference deposition of John  
11 White in the matter of Boshea versus Compass  
12 Marketing, Inc. Today's date is May 18th, 2022, and  
13 the time is 10:17 a.m. Central Time. My name is Jason  
14 Fallen of Thompson Court Reporters. Beginning with  
15 the noticing party, will counsel please introduce  
16 themselves, state whom they represent, and stipulate  
17 to the swearing in of the witness remotely.

18 MR. JORDAN: This is Gregory Jordan. I represent  
19 David Boshea, and we stipulate to the swearing in of  
20 the witnesses remotely.

21 MR. GAGLIARDO: I am Tom Gagliardo. I am local  
22 counsel to Mr. Jordan.

23 MR. STERN: I am Stephen Stern, counsel for  
24 Compass Marketing in this case, also joined by co-

1 counsel, Brian Tollefson, who's also representing  
2 Compass Marketing in this case. Also on the line is  
3 one of the colleagues from my office, Shannon Baden,  
4 who will be listening in.

5 MR. GARTEN: Alan Garten, here for John White.

6 MR. STERN: There is one other procedural matter  
7 before we get started, I think as we've done in all  
8 prior depositions in this case.

9 MR. REPORTER: You know, what before we do that,  
10 do you guys stipulate to the swearing in of the  
11 witness?

12 MR. STERN: Oh, yes, yes. Sorry. Thank you for  
13 that reminder. I think everyone on the line should  
14 confirm, presuming it's true, that there is no one  
15 else logging in remotely through some other device,  
16 whether it be a phone or other video device. So in  
17 this room, there is no one else logged in on our  
18 phones, computers, or otherwise.

19 MR. JORDAN: This is Gregory Jordan. I have one  
20 computer that I am logged in and I don't have anything  
21 else in which I am logged in. I don't know whether  
22 Mr. Boshea is here or not yet. He had a doctor's  
23 appointment, so he may be a little bit late, so we can  
24 deal with Mr. Boshea, if and when he joins.

1 MR. STERN: You know, when he logs in, then we  
2 could just ask him to make the same representation.

3 MR. JORDAN: That is fine.

4 MR. GAGLIARDO: This is Tom Gagliardo. There is  
5 no one present with me, and I am not logged in by any  
6 device other than this computer to this deposition.

7 MR. STERN: Well, I guess to clarify, no one else  
8 is logged in through any of your devices, listening  
9 in.

10 MR. GAGLIARDO: Correct.

11 MR. JORDAN: Okay.

12 MR. REPORTER: I can swear in the witness when  
13 we're ready.

14 MR. JORDAN: Yes.

15 MR. REPORTER: Will the witness please raise your  
16 right hand.

17 (Witness was duly sworn.)

18 JOHN DAVID WHITE,  
19 called as a witness herein, after having been first  
20 duly sworn, was examined and testified as follows:

21 MR. REPORTER: The witness has declared their  
22 testimony during this proceeding and is under oath.  
23 The parties have stated their agreement on the record.  
24 Counsel, you may proceed.



## DIRECT EXAMINATION

BY MR. JORDAN:

Q. Let the record reflect that this is the deposition of John White. This deposition is being taken pursuant to notice for the purposes of the lawsuit, David, which they filed against Compass Marketing, Inc., in the United States District Court for the Northern District of Maryland is case number 21 CV 00309, and is scheduled by order of the court to be held no later than today.

Can you please state your name for the record and spell your name for the court reporter, Mr. White?

A. Sure. My name is John David White, J-O-H-N, D-A.-V-I-D, middle name, my last name is White, W-H-I-T-E.

Q. Okay. I would like to go over some ground rules with you, Mr. White, if you could. I think it would be helpful for us. Give me just one second. What I am going to do, just so we all know -- before I do that is I am sending some exhibits to Mr. Gagliardo because I do not see them in my alternative computer, to be able to open them, and so I will do that. Tom, I am going to send you five exhibits, and I will supplement as we go along. And when we get to that, I

1 would ask that you open those up and put those up on  
2 the screen. Can you do that for me?

3 MR. GAGLIARDO: I think I can. I am  
4 technologically impaired like most members of the bar,  
5 but I will do my best.

6 MR. JORDAN: Oddly enough, I am really good at  
7 technology except when apparently the -- logging on to  
8 this here.

9 MR. STERN: Greg, will you also circulate those  
10 exhibits via email as well?

11 MR. JORDAN: I absolutely will.

12 MR. GAGLIARDO: Greg, at this point, we have a  
13 very good view of your tie, but not much of anything  
14 else about you.

15 MR. JORDAN: That is because I had to use the  
16 other computer.

17 MR. GAGLIARDO: There you go. There you go.

18 MR. JORDAN: I had to use the other computer to  
19 send you and Stephen five exhibits or six exhibits.  
20 Okay.

21 BY MR. JORDAN:

22 Q. One of the things, Mr. White, we want to do  
23 is make sure we don't talk over each other. So you  
24 need to let me finish my question and provided that

1 your response, that you have provided a responsive  
2 answer to the questions that I will let you answer.  
3 Is that agreeable?

4 A. Yes, sir.

5 Q. Okay. Are you represented by counsel today?

6 A. Yes.

7 Q. Okay. And that would be who?

8 A. Alan Garten.

9 Q. Okay. From time to time, I may ask a  
10 question that your counsel or any other counsel  
11 present may determine to be objectionable. Now, that  
12 doesn't mean you don't answer the question, because  
13 there is no judge here to decide. If counsel objects  
14 to question, for instance, relevance, hearsay, or  
15 something along those lines, or any other matter other  
16 than privilege, then you'll answer, and all the  
17 objections will be preserved for the record. Do you  
18 understand that?

19 MR. GARTEN: That is not entirely correct. It  
20 depends on the questions that are asked, Greg, but for  
21 now, we'll let obviously the deposition proceed, if  
22 you're way out, and let the other things that are  
23 just completely inappropriate on the rules and we  
24 reserve the right to make those objections at that

1 time and instruct accordingly, consistent with the  
2 federal rules and the local rules of this court.

3 MR. JORDAN: Okay. I disagree, but I am not going  
4 to fight on that at this moment. Now, your counsel  
5 may object, for instance, saying I object based on  
6 attorney/client privilege or some privilege, in which  
7 case, he may instruct you not to answer. At that  
8 point, you have to decide whether to follow your  
9 counsel's advice or not. That would be -- as far as I  
10 am aware, and it is my position, the only time that  
11 you can refuse to answer a question is concerning a  
12 matter of privilege. Now, do you understand that?

13 MR. STERN: The objective is because you are  
14 asking --

15 MR. JORDAN: You know what? Okay. Objection  
16 noted. All right, do you understand that, Mr. White?

17 THE WITNESS: I hear your words.

18 MR. JORDAN: No. Do you understand that?

19 THE WITNESS: I hear your words.

20 MR. JORDAN: Okay.

21 THE WITNESS: I don't agree with you, but I hear  
22 your words.

23 MR. JORDAN: You know what, Mr. White, that is  
24 fine. If you need to take a break, let me know. You

1 can take a break provided that we agree that if there  
2 is a question pending, that you will answer the  
3 question before the break. Do you agree to that?

4 A. Yes.

5 Q. Now, the Federal Rules of Civil Procedure 30  
6 provides that for the examination, the cross-  
7 examination of the deponent proceed as they would at  
8 trial under the Federal Rules of Evidence, except for  
9 Rules 103 and 615. As a result, you cannot  
10 communicate with your or Compass's attorneys during  
11 any break. Do you understand that?

12 A. Again, I understand your words.

13 Q. Well, do you understand that is what the  
14 rule says?

15 A. I don't know the rule, but I understand that  
16 that is your reading of the rule.

17 MR. GARTEN: Greg, if you are asking whether I am  
18 going to be in touch with the witness in between, the  
19 answer is no. Obviously, there is breaks we  
20 communicate, but not about the substance of the  
21 deposition.

22 MR. JORDAN: That is fine.

23 MR. GARTEN: Unless there is an objection issue, I  
24 should qualify that, but otherwise, that is about it.

1 BY MR. JORDAN:

2 Q. All right. We have we have seven hours to  
3 complete the deposition, but any breaks will not be  
4 counted against the seven hour time limit. Do you  
5 understand that?

6 A. I can understand you, yes.

7 Q. Do you understand that you have seven hours,  
8 not counting breaks in which to sit for a deposition?

9 A. Yes.

10 Q. Okay. If I ask you a question that you  
11 don't understand, the record would reflect your lack  
12 of understanding. So if you're unsure about one of my  
13 questions, even though I might think it's a perfect  
14 question, make sure that you ask to rephrase it or ask  
15 the court reporter to read it back. Do you understand  
16 that?

17 A. I do.

18 Q. Okay. Are you under or taking any  
19 medication or suffering from any mental disability  
20 that were impair your ability to answer truthfully  
21 today?

22 A. Truthfully, no. I am on medication, but I  
23 won't affect my truth.

24 Q. Okay. Have you ingested any alcohol or

1 other drug in the last 10 hours other than the  
2 prescribed medications?

3 A. No. Other than the prescription medication,  
4 there is not -- I am not on any other.

5 Q. Have you ever been convicted of a felony?

6 A. No.

7 Q. Have you ever been convicted of a  
8 misdemeanor involving theft, fraud, or perjury?

9 A. No.

10 Q. Did you bring any documents with you today?

11 A. I did.

12 Q. What documents did you bring?

13 A. I brought one document. (Indiscernible).

14 Q. What is that?

15 A. This is the forged document that you and Mr.  
16 Boshea (indiscernible). I brought a copy of it.

17 Q. Okay. Any other documents?

18 A. No, sir.

19 MR. REPORTER: Pardon me, Mr. Jordan, Mr. White is  
20 a bit faint. Is there anyway we can get him a little  
21 closer to the microphone.

22 MR. WHITE: I will speak louder. Will that help?

23 MR. REPORTER: Thank you. That is much better.  
24 Thank you.

1 BY MR. JORDAN:

2 Q. Did you look at any other documents in  
3 preparing for your deposition today?

4 A. I did.

5 Q. What other documents did you look at?

6 A. I don't recall which ones, there were  
7 numerous.

8 Q. Well, can you give me any in name or  
9 description of any document that you looked at in  
10 preparation for the deposition?

11 A. Some of the emails, some of the contracts.  
12 I believe that was the extent of events and some other  
13 docs that are not exhibits that we need in the case.

14 Q. What emails did you review?

15 A. I reviewed some of the exhibits that both  
16 Compass and Mr. Boshea presented as exhibits.

17 Q. Well, could you describe them, please?

18 A. They were emails. Describe the emails?

19 Q. Yes, describe the emails, the substance of  
20 the emails.

21 A. I don't remember. There were emails of  
22 communications between -- appeared to be between  
23 employees.

24 Q. Who were the employees?



1 A. I recall Mr. Boshea, for sure; Mr. Adams, I  
2 believe, and Mr. White.

3 Q. Which Mr. White?

4 A. Michael White.

5 Q. Okay. And what did -- what did they say to  
6 each other in these emails?

7 A. I don't recall. Again, there were numerous.

8 Q. I am sorry. They were what?

9 A. There were numerous documents. I don't  
10 recall what (indiscernible).

11 MR. JORDAN: Stephen, can you provide those  
12 documents to me?

13 MR. STERN: Those were discussed in preparation.  
14 So, I mean, whatever we were showing him, I think that  
15 would be a privileged communication. You have the  
16 documents.

17 MR. JORDAN: I don't know what -- I don't know  
18 what documents he's referring to. He says that you  
19 provided him --

20 MR. STERN: (Indiscernible).

21 MR. JORDAN: There are documents, there are emails  
22 between John White, Michael White, and David Boshea,  
23 can you provide those documents, those emails to me?

24 MR. STERN: Those documents have been produced in

1 discovery. If there are specific documents you want  
2 to ask me about today, you can do that. You could ask  
3 if this is one of the documents you reviewed in  
4 preparation for the deposition. But for us to go  
5 through and go line-by-line which ones he pulled, or  
6 we showed him, I think that is something different.

7 MR. JORDAN: All right. There may be something  
8 different. I am asking you if you can provide the  
9 emails between John -- between Michael White, John  
10 Adams, and David Boshea?

11 MR. STERN: That is not what he said. That was --  
12 I think you misunderstood the testimony, at least that  
13 is why -- well, I am not going to give a speaking  
14 objection.

15 MR. JORDAN: That's fine. I will ask again.

16 MR. STERN: (Indiscernible, talk over).

17 BY MR. JORDAN:

18 Q. Who are the parties to the email? Were they  
19 involving John Adams, David Boshea, and Michael White,  
20 or were they emails between David Boshea and John  
21 Adams, and David Boshea and Michael White, or some  
22 other subset?

23 A. Some other subset.

24 Q. Were the emails between Michael White and

1 John Adams?

2 A. I don't recall.

3 Q. Were they emails between Dave Boshea and  
4 only John Adams?

5 A. Again, I don't recall the emails  
6 (indiscernible).

7 Q. But you just told me it was a different  
8 subset, so I am trying to figure out who were the  
9 parties of emails so I can look at the emails.

10 MR. REPORTER: I am sorry, Mr. Jordan, I did not  
11 get the witnesses response. I again, I don't recall,  
12 but then it faded out as he leaned back.

13 MR. JORDAN: Okay.

14 BY MR. JORDAN:

15 Q. Who were these -- were these two-party  
16 emails or are there more than two parties to the --

17 A. Mr. Jordan, can you start again and just  
18 repeat your question, it is pretty confusing.

19 Q. Okay. You looked at emails between David  
20 Boshea and John Adams, as the only parties to the  
21 email; is that correct?

22 A. I didn't state who I -- who the emails were  
23 between. I stated who they were from, I believe. I  
24 believe they were employees' emails and the employees

1 that I named were Boshea, Adams and Michael White.  
2 The content of the emails, who sent emails, to what, I  
3 don't recall.

4 MR. JORDAN: Were all these emails produced in  
5 discovery, Stephen?

6 MR. STERN: My understanding is the answer is yes.

7 MR. JORDAN: Okay. If there are any emails that  
8 weren't produced that he reviewed in answers of his  
9 deposition, can you provide them to me?

10 MR. STERN: To the best that we can recreate the  
11 list, I would think so, but you know, we've only been  
12 reviewing stuff that is relevant to this litigation.

13 MR. JORDAN: That is a whole different issue as to  
14 whether you produce them and whether you think they're  
15 relevant. If there are any emails --

16 MR. STERN: Are you suggesting that we've withheld  
17 documents that are relevant to this litigation?  
18 Because that is not what I've said, And that is not  
19 what -- that is not what's happening here.

20 MR. JORDAN: That is fine. Will you just produce  
21 the emails or identify the emails for me?

22 MR. STERN: Like I said earlier, the documents, as  
23 I understand it, were the ones that were produced  
24 already in this litigation.

1 MR. JORDAN: Okay. There is no issue here.

2 MR. STERN: As far as I know, there is nothing new  
3 that hasn't been produced by either you or us in this  
4 litigation that is been part of the review for this.

5 MR. JORDAN: Okay.

6 BY MR. JORDAN:

7 Q. Have you ever sat for a deposition before,  
8 Mr. White?

9 A. No, not a deposition. A grand jury  
10 testimony is the only time I have ever testified.

11 Q. Okay. So what was that in relation to?

12 A. My brother, Michael's, indictment.

13 Q. Okay. When was your when was your  
14 testimony?

15 A. It was about 25 years ago.

16 Q. Okay. I have no idea how the grand jury  
17 process works. So that is the only time that you  
18 testify under oath is in that grand jury  
19 investigation?

20 A. I believe so.

21 Q. Okay. Can you confirm that one of your  
22 telephone numbers is 240-298-1956?

23 A. Yes.

24 Q. Okay. Have you ever heard of Compass

1 Marketing, Inc.?

2 A. Yes.

3 Q. Okay. Just to cut to the chase here, there  
4 may be questions that I ask you that I am absolutely  
5 certain that you know the answer to, but I am just  
6 trying to go through the process. Just so you  
7 understand, I am not meaning to be insulting by that.  
8 So when I refer to Compass, we understand that I am  
9 talking about Compass Marketing, Inc.?

10 A. Yes.

11 Q. Okay. Does Compass have any subsidiaries,  
12 affiliates, or entities which during the period from  
13 2007 to date held or currently holds 10 percent of the  
14 equity?

15 MR. STERN: Objection. Calls for a legal  
16 conclusion.

17 MR. JORDAN: Okay. You can answer.

18 BY THE WITNESS:

19 A. Can you repeat the question?

20 Q. Has or does Compass -- let me start again.  
21 Has Compass Marketing ever held any interest in a  
22 subsidiary, affiliate, or other entity where it held  
23 more than 10 percent of the equity during that period  
24 from 2007 today?

1 MR. STERN: Objection to the extent it calls for a  
2 legal conclusion. And some of those terms may vary  
3 from state to state in terms of their legal  
4 significance, plus objection to relevance.

5 MR. JORDAN: Okay. Answer the question, please.

6 BY THE WITNESS:

7 A. I am not sure.

8 Q. Okay. Why do you say you're not sure?

9 A. (Indiscernible, talk over).

10 Q. Because Mr. Stern said -- let me just  
11 finish. Because of Mr. Stern's objection or because  
12 you're not certain whether Compass held 10 percent?

13 A. Now, your question seems to put a lot of  
14 legal conclusions and I am not familiar with them, or  
15 our affiliates and what our -- (indiscernible) and 10  
16 percent (indiscernible). It is a very complex  
17 question, so I am not -- I am just not certain of  
18 answer, but I can find out and let you know.

19 Q. Okay. Does Compass hold 10 percent of the  
20 stock in any corporation?

21 MR. STERN: Objection. Relevance.

22 BY MR. JORDAN:

23 Q. And this is during the period from 2007 to  
24 date.

1 A. (Indiscernible, talk over).

2 Q. (Indiscernible, talk over) hold this stock  
3 in any corporation amounted to more than 10 percent?

4 A. Same answer. I don't know.

5 MR. STERN: Also, I just like to confirm with the  
6 court reporter. Were you able to hear my objections?

7 MR. REPORTER: I was, Mr. Stern. Thank you.

8 MR. STERN: Thank you. I just want to make sure I  
9 am loud enough. I had my hand over my mouth a little  
10 bit, so I apologize.

11 MR. REPORTER: Mr. Stern, your voice is much  
12 louder than Mr. White's, thank you.

13 MR. JORAN: I think it's because your computer is  
14 the source of the microphone, Stephan.

15 MR. STERN: (Indiscernible).

16 BY MR. JORDAN:

17 Q. Okay. Does or did Compass hold more than 10  
18 percent of the membership interests in any limit  
19 liability company during the period identified?

20 MR. STERN: Same objection.

21 BY THE WITNESS:

22 A. Same answer. I don't.

23 Q. Okay. When was Compass Marketing formed?

24 A. I believe it was 1998.



1 Q. And when it was formed, what form of entity  
2 was it?

3 A. When it was an S Corporation.

4 Q. Okay. And at that time -- has it always  
5 been an S Corporation?

6 A. I believe so.

7 Q. At the time of its incorporation, did it  
8 have shareholders?

9 A. It did.

10 Q. Okay. At the time of incorporation, who  
11 were the shareholders or shareholder?

12 MR. STERN: Objection. Relevance. I mean, is  
13 this --

14 MR. JORDAN: Okay, that's fine. You have stated  
15 your objection. You can answer the question, Mr.  
16 White.

17 BY THE WITENSS:

18 A. There was three shareholders myself, Robert  
19 Morgan, and Daniel White.

20 Q. And what interest did they hold?

21 A. We each held a third of the company, 300  
22 shares each, I believe. Yes, 300 shares each.

23 Q. Okay. And did the shareholders have ever  
24 change?

1 MR. STERN: Objection. Relevance.

2 BY THE WITNESS:

3 A. Yes.

4 Q. And when did they change?

5 MR. STERN: Objection. Relevance.

6 BY MR. JORDAN:

7 Q. The first time the changed?

8 MR. STERN: Same objection.

9 BY THE WITNESS:

10 A. I don't remember the exact dates.

11 Q. Approximately when did this change occur?

12 MR. STERN: Same objection.

13 BY THE WITNESS:

14 A. I believe it was 2001, but I don't remember  
15 exactly.

16 Q. Okay. But that is not important to me. How  
17 did the shareholdings change in or about 2001?

18 MR. STERN: Objection. Relevance.

19 BY THE WITNESS:

20 A. The shareholders and the Board of Directors  
21 had meetings and minuted those meetings to include  
22 inversion of a note payable that I held in exchange  
23 for its shares. And the exchange of Daniel White's  
24 300 shares to be split between two new shares'

1 certificates, each for 150 shares. One to himself and  
2 one to Michael, each for 150 shares. And I was issued  
3 an additional 300 shares in exchange for notes payable  
4 that I had, and we minuted the meetings.

5 Q. And when, approximately, did that happen?

6 A. Approximately 2001, and again, we minuted  
7 the meetings so I can check for sure and send you  
8 minutes of the meetings that applied.

9 Q. Okay. And so after that meeting, what were  
10 the percentage of shares held by each shareholder?

11 MR. STERN: Objection. John, would you step out  
12 for a second so that I can state the objection  
13 (indiscernible).

14 MR. JORDAN: You know what, you don't need to make  
15 a speaking objection at all. Your objection is noted.  
16 It is relevant.

17 MR. STERN: The problem is you filed an opposition  
18 to our motion to depose David Boshea, and in that  
19 motion, one of your bases for opposing our request for  
20 a deposition is that we would ask questions in a  
21 separate piece of litigation that is separate and  
22 distinct from this case, which we are not going to do.  
23 And it seems to me that is exactly what you're doing  
24 right now.

1       So we're giving you a little bit of latitude, but  
2       at some point, if you keep going down this path, this  
3       has absolutely nothing to do with whether or not David  
4       Boshea has an enforceable employment agreement that  
5       gives him a severance provision in this litigation.  
6       That is what this case is about. And so while you are  
7       asking John white these questions, they have nothing  
8       to do with your case whatsoever.

9       MR. JORDAN: Stephen, I think it does and I am  
10      working up to 2007. And once they get to 2007,  
11      whatever happens after that, I don't care, so you can  
12      bring him back in.

13      MR. STERN: Well, like I said, we'll give a little  
14      latitude on this, but at some point, depending on  
15      where this goes.

16      MR. JORDAN: It could be that it doesn't go any  
17      farther than this, let's just see, I don't know. I  
18      don't know the answer to these questions.

19      BY MR. JORDAN:

20      Q.    Okay. Mr. White, so sometime around 2001,  
21      the shareholdings changed, and what were the  
22      percentage of the shareholdings? And I understand  
23      that Mr. Stern has an objection to relevance on this.  
24      What were the percentage of shares held by each

1 individual at that time?

2 A. I believe that prior to the meeting, the  
3 shareholders and Board of Directors, the shares were  
4 equally split between three shareholders: myself,  
5 Daniel White and Robert Morgan. At the meeting we  
6 held, an additional 300 shares were issued to myself,  
7 giving me a total of 600 shares. And Daniel White's  
8 300 shares were exchanged in return for two equal  
9 share certificates for half, each for 150 shares. One  
10 was issued to Daniel White, and one was issued to  
11 Michael White.

12 MR. STERN: Before you go on, please. Mr. Boshea  
13 just sent a message that he is trying to get in and is  
14 unsuccessful.

15 MR. JORDAN: He says, I am waiting to be let in.  
16 So Mr. Court Reporter, if you need to do something to  
17 let him in.

18 MR. REPORTER: One minute, I am checking.

19 MR. JORDAN: Mr. Stern, unless you're talking  
20 about the Orioles game, I would appreciate if you  
21 would not communicate with a witness.

22 MR. STERN: I am allowed to discuss matters, like  
23 I said, with the witness, not coaching any answers.

24 MR. JORDAN: You are not allowed to talk about the

1 substance of the deposition during the deposition  
2 under Rule 31.

3 MR. STERN: And we're not.

4 MR. JORDAN: I am not saying you are. Just making  
5 sure that you don't.

6 MR. REPORTER: Pardon me, Mr. Jordan. I don't see  
7 a way to let the plaintiff in. I am going to reach  
8 out to the moderator and see if we can figure this  
9 out, bear with me.

10 MR. JORDAN: Okay.

11 (A short break was taken.)

12 BY MR. JORDAN:

13 Q. So after that 2001 meeting -- well, first  
14 off, you know, David Boshea; is it right?

15 A. Yes.

16 Q. Okay. And David Boshea, at some point,  
17 became an employee of Compass; is that correct?

18 A. That is correct.

19 Q. And when did that occur, approximately?

20 A. I believe it was 2007.

21 Q. Okay. Al right. Between 2001, and when  
22 David Boshea joined in 2007, did the ownership of  
23 stockholding of Compass Marketing change at all?

24 MR. STERN: Objection. Relevance to questions

1 before.

2 MR. JORDAN: That's fine.

3 BY THE WITNESS:

4 A. I believe that it did.

5 Q. How did it change?

6 MR. STERN: Same objection.

7 BY THE WITNESS:

8 A. I don't remember the dates, but at some  
9 point it may have been before Mr. Boshea joined, or  
10 after, I don't remember the dates. Robert Morgan  
11 retired from the company and redeemed his shares back  
12 to the company, those 300 shares.

13 Q. Okay. So they just went away and everybody  
14 else maintained the number of shares that they had; is  
15 that correct?

16 MR. STERN: Objection.

17 BY THE WITNESS:

18 A. I don't think I'd say they went away. They  
19 were redeemed by the company and Mr. Morgan.

20 Q. Okay. I was trying not to get lead on you  
21 there. When the company was formed, did it have any  
22 officers?

23 A. Define officers, if you please?

24 Q. That would be, for instance, a president,

1 vice president, secretary, treasurer, or someone else  
2 appointed by the Board of Directors to serve in a  
3 particular office?

4 A. Informally, yes.

5 Q. Okay. At the time of incorporation, who  
6 informally were the officers?

7 A. The officers were -- I don't remember.

8 Q. Okay. Did you hold an office?

9 A. I believe I did. And I believe my uncle, by  
10 the way. My brother Daniel did, but I don't remember.  
11 It was twenty-some years ago.

12 Q. At some point, were there any individuals  
13 elected to any formal offices?

14 A. There may have been, I don't remember twenty  
15 years ago.

16 Q. Okay. I am talking about between the time  
17 of incorporation and today's date?

18 A. I am sure there were.

19 Q. Okay. Have you ever held an office? I am  
20 sorry, I thought you were finished.

21 A. Yes, I have.

22 Q. Okay. What office have you held?

23 A. I have held the Chairman of the Board and  
24 the Chief Executive Officer.



1 Q. Okay. Any other office?

2 A. I may have been the Treasurer. I may have  
3 been the Secretary. Those offices, those legal stuff  
4 you -- I may have had other offices, but I just don't  
5 remember.

6 Q. Okay. Are you still -- I am sorry, are you  
7 finished?

8 A. Yes, sir.

9 Q. Okay. Are you still the Chairman of the  
10 Board?

11 A. I am.

12 Q. Okay. Are you still the Chief Executive  
13 Officer?

14 A. I am not.

15 Q. When did you stop being Chief Executive  
16 Officer?

17 A. I don't remember the date, but it's about a  
18 year ago.

19 Q. Why was it that you ceased being the Chief  
20 Executive Officer?

21 A. Why? Is the question why?

22 Q. Correct.

23 A. I hired a Chief Executive Officer.

24 Q. Okay. Any other reason?

1 A. I can't think of one.

2 Q. Do you maintain an active role with Compass?

3 A. What do you mean, "active"?

4 Q. Do you work for Compass?

5 A. I do.

6 Q. Okay. Have your job duties changed since  
7 you hired this new person?

8 A. Yes.

9 Q. How have they changed?

10 A. Well, I am the Executive Chairman of the  
11 Board, I hold the duties of the Executive Chairman of  
12 the Board.

13 Q. What are those duties?

14 A. Managing the Board and making sure that the  
15 company is represented well.

16 Q. Okay. At the time, David -- at some point,  
17 David Boshea left the company, or was terminated from  
18 the company; is that right?

19 A. That is correct.

20 Q. Okay. At that time, what office did you  
21 hold? Was it --I guess I am trying to figure out this  
22 new Chief Executive Officer person. Where is where  
23 does David Boshea fit on that timeline?

24 MR. STERN: Objection. Form.

1 BY MR. JORDAN:

2 Q. Do you understand the question?

3 A. No, I don't.

4 Q. Sure, sure. Let me make it more direct.

5 Were you the Chief Executive Officer at the time  
6 David was terminated?

7 A. Yes.

8 Q. Okay. We're the Chairman of the Board when  
9 David Boshea was terminated?

10 A. Yes.

11 MR. JORDAN: Tom, can you bring up Exhibit 1,  
12 please.

13 BY MR. JORDAN:

14 Q. This is an eight-page document and it has  
15 the title of Defendant, Compass Marketing, Inc's  
16 Answers to Plaintiff David J. Boshea's Third Set of  
17 Interrogatories. And if you could scroll down time,  
18 Tom, allow the witness to review the document.

19 (Exhibit 1 was displayed.)

20 BY MR. JORDAN:

21 Q. Can you just look at the document and let me  
22 know when you're ready to discuss it, Mr. White?

23 A. I can only see the version that you're  
24 displaying right now.

1 Q. I misunderstood because when you just said  
2 that he was looking at an iPad.

3 MR. GAGLIARDO: Mr. Stern, I was suggesting that  
4 you could display it on a computer and Mr. White can  
5 then control that computer and scroll in his  
6 discretion.

7 MR. STERN: I've lost control over the ability to  
8 slide it. There we go.

9 (A short break was taken.)

10 BY MR. JORDAN:

11 Q. Can you see a document on the screen now,  
12 Mr. White? Compass, the third set of interrogatories?

13 A. I do.

14 Q. Mr. White, can you hear me now?

15 A. Yes, I can here you.

16 MR. JORDAN: Okay Stephen, I have solved --  
17 somehow, I was able to log in on the other computer,  
18 and so I can take it from here.

19 BY MR. JORDAN:

20 Q. All right. Do you see that document up on  
21 the screen, Mr. White?

22 A. Yes, I can see the document.

23 Q. Okay. Now, there is the first paragraph  
24 which introduces the defendant to counsel answering,

1 and there are various general objections to the two  
2 things. Do you see on the bottom right hand corner,  
3 it says, J. White, Exhibit 1? Mr. White?

4 MR. STERN: Can you hear us, okay?

5 MR. JORDAN: I can hear you. Can you hear me?

6 MR. STERN: We're just looking for a way to plug  
7 in because my computer's about to die on the  
8 batteries. So I am just trying to find a plug.

9 MR. JORDAN: Okay.

10 (A short break was taken.)

11 BY MR. JORDAN:

12 Q. All right, Mr. White?

13 A. Yes.

14 Q. Do you see on the bottom, it says, J. White,  
15 Exhibit 1-1?

16 A. I see that.

17 Q. That is how all the exhibits will be marked.  
18 And then their a series of objections to the  
19 responses. Do you see that?

20 A. I do.

21 Q. If there is -- you know, I am just trying to  
22 go through it with a moderate speed. Certainly if  
23 there is anything that I moved too fast on, please let  
24 me know. Then there is a preliminary statement.

1 Okay. And then the first parliamentary statement here  
2 -- well, let me tell you what, let's just go down to  
3 the bottom of the page here, and these are the  
4 responses that were submitted by your counsel as to  
5 objections. And then there is a certification. Do  
6 you recognize the signature on these, on the document?

7 A. It appears to be mine.

8 Q. Oh, did you sign -- did you, in fact, sign  
9 the interrogatory responses?

10 A. That is what this is, yes.

11 Q. Can you speak up?

12 A. I said, yes. This appears to be my  
13 signature. I believe I did sign the documents here.

14 Q. Okay. And then it says there is a  
15 certification. I certify that I have read the  
16 foregoing answers and know the contents thereof. That  
17 said answers are based upon, and therefore limited by  
18 the information available to, and thus far discovered  
19 by me. That I reserve the right to amend the answers.  
20 If it appears to me at any time that omission or  
21 errors have been made therein, or that more accurate  
22 information has become available, and that subject  
23 limitations set forth herein, and the answers are true  
24 to the best of my knowledge, information, and belief.

1 Dated January 11, 2022. Since the date of these  
2 answers were provided, do you know of any need to  
3 correct the answers, amend the answers, or change the  
4 answers?

5 A. I don't know.

6 Q. Okay. Is there anyone else other than you  
7 who would know?

8 A. Can you ask me the question, again?

9 Q. You said you don't know whether there is any  
10 need to amend, change, or supplement the answers. And  
11 you said, I believe you don't know whether there is a  
12 need. And I am asking you if there is someone else  
13 that would know?

14 A. I have not even read the document, so I  
15 don't know.

16 MR. STERN: There is room in that -- suggested --  
17 you have to answer my answer for that. Interrogatory  
18 by (indiscernible).

19 MR. JORDAN: That's fine.

20 BY MR. JORDAN:

21 Q. Here, let's go to -- sorry about that.  
22 Jumping ahead here. Okay. Now it says here, a number  
23 one: State the identity consistent with the above  
24 instructions of each person with whom Compass entered

1 into a written severance agreement from 1998 through  
2 2012. And the response is: Compass Marketing objects  
3 to interrogatory number one on the grounds that it is  
4 vague and ambiguous. It is overbroad and unduly  
5 burdensome since the information is not relevant to  
6 the claims in this lawsuit. It goes on to say:  
7 Subject to, without waiving the foregoing general and  
8 specific objections, Compass Marketing is unable to  
9 locate any properly signed and written severance  
10 agreements it entered into between 1998 and 2012.

11 And then it says: Plea, see preliminary statement  
12 number five. So we'll go to preliminary statement  
13 number five, and then I will ask you question. Number  
14 five says: As a threshold matter, Compass Marketing  
15 is limited in its ability to provide information  
16 potentially responsive to plaintiff's interrogatories.  
17 In or about July 2019, Michael White, who has been  
18 terminated from employment in November 2018, together  
19 with his son, George White, as administrators of the  
20 Compass Marketing domain for electronic communications  
21 and documents, Compass Marketing, Inc.com, the ".com  
22 domain", prevented and continues to prevent Compass  
23 Marketing from accessing the records in the ".com  
24 domain".



1       Indeed, after July 2019, Compass Marketing had to  
2       create a new domain, Compass Marketing, Inc..net, and  
3       that great effort and expense migrate its operations  
4       and communications network to this new domain.

5       Compass Marketing has had access to some incoming  
6       communications to the ".com domain" since July 2019,  
7       and we include those communications in its search for  
8       potentially responsive information. But did you see  
9       that, Mr. White?

10       A.    I do see.

11       Q.    Okay. Can you speak up, please?

12       MR. REPORTER: Please speak into the microphone,  
13       Mr. White.

14       BY MR. JORDAN:

15       Q.    Can you repeat your response, Mr. White,  
16       because I don't think anybody could hear you other  
17       than the people in the room.

18       A.    I do see that.

19       Q.    Okay. Now, so Compass Marketing because of  
20       something caused by Michael White and George White  
21       can't locate any properly signed and written severance  
22       agreements between 1998 and 2012; is that right?

23       A.    Can you ask the question again? I couldn't  
24       hear that.

1 Q. I said, so because of the actions of Michael  
2 White and George White, Compass Marketing cannot  
3 locate any properly signed in written severance  
4 agreements entered into between 1998 and 2012; is that  
5 correct?

6 MR. STERN: I am going to object. It  
7 mischaracterizes the objections in the answer to  
8 interrogatories, but --

9 MR. JORDAN: You can say it is not correct. So,  
10 you know, if that -- is my question correct or  
11 incorrect? Your answer -- your answer would say  
12 either I am correct or incorrect.

13 BY MR. JORDAN:

14 Q. Mr. White, you need to answer.

15 A. Can you restate your question, please.

16 Q. Okay. Due to the actions of Michael White  
17 and George White, Compass Marketing is unable to  
18 locate any properly signed and written severance  
19 agreements it had entered into between 1998 and 2012;  
20 is that correct?

21 A. Are you referring to this document?

22 Q. I am referring to whether it's correct that  
23 Compass Marketing is unable to locate any properly  
24 signed and written severance agreements it entered

1 into between 1998 and 2012 because of the actions of  
2 George White and Michael White; is that correct?

3 A. That is partially correct.

4 Q. Okay. In what way is it not fully correct?

5 A. I know that that is one reason that we said,  
6 but I don't know whether that is the only reason.

7 Q. What other reasons are there?

8 MR. REPORTER: I would like to ask Mr. White to  
9 move closer to the microphone, please.

10 MR. WHITE: Sure, sure.

11 BY THE WITNESS:

12 A. The other reason is that books and records  
13 from the beginning of the company have been stolen.  
14 Another reason is that my email address and my emails  
15 have been breached by Michael White, who admitted to  
16 (indiscernible) in the December deposition. And then  
17 the documents that you're referring to are not  
18 authentic. Some of them are not authentic, so those  
19 are all reasons why I can't produce these.

20 Q. Okay. So who stole whatever it is? What  
21 was stolen?

22 A. Michael White admitted in his December  
23 deposition that you were at that he breached my  
24 emails.

1 Q. No, no. My question is a different  
2 question.

3 A. I am sorry. Can you repeat that?

4 Q. You said somebody stole something. Who  
5 stole something? And what was it that they stole?

6 A. Oh, sorry. The books and records and the  
7 employee files were stolen and added to. And again,  
8 that was admitted by Michael Weiss in his deposition  
9 in December.

10 Q. Okay. So are you saying that Michael White  
11 stole files?

12 A. No. I am saying Michael White admitted in  
13 his deposition that he added to the employment files.

14 Q. Okay. What do you believe Mr. White, Mr.  
15 Michael White, added to the employment files?

16 A. I don't know exactly what he added, but he  
17 mentioned specific employee names, David Boshea, John  
18 Adams, and others that he added to their files.

19 Q. Okay. And do you have them? Other than the  
20 documents that you produced in this case, are there  
21 any other documents in David Boshea's employment file?  
22 Mr. White, did you hear my question?

23 MR. GAGLIARDO: If you can hear us, can someone  
24 nod? We cannot hear you.

1 (A short break was taken.)

2 MR. REPORTER: We are back on the record at 11:31  
3 a.m. Central Time.

4 BY MR. JORDAN:

5 Q. Okay. We are back here with the Exhibit 1,  
6 Jay White, Exhibit 1, and with relating to the  
7 severance agreements. So, Mr. White, am I to read this  
8 response to the interrogatories to say that there are  
9 properly signed and written severance agreements that  
10 exist that Compass Marketing cannot locate?

11 A. I would not read it that way.

12 Q. Okay. Let me ask a different question. Are  
13 there properly signed and written severance agreements  
14 that Compass Marketing cannot locate?

15 A. It is possible.

16 Q. Why do you say it is possible?

17 A. It is possible because our network has been  
18 breached. Our files have been stolen. Employee files  
19 have been padded. And we have identified contracts  
20 that actually have my signature forged.

21 Q. Okay. So when you say that employee file  
22 has been padded, what personal knowledge you have of  
23 that, as opposed to just hearing somebody else say it?

24 A. I only have Michael White's testimony under

1 oath in December that you and I both heard.

2 Q. Okay. So you don't have any personal  
3 knowledge of any information in anybody's file being  
4 padded?

5 A. I only have Michael White's admission.

6 Q. Excuse me, Mr. White, it is a yes or no?

7 A. It is a yes or no question.

8 Q. I don't need I don't need you to give me the  
9 editorial. I need you to just give me the straight  
10 answer. You have no -- is it correct that you have no  
11 personal knowledge as to whether any employee file has  
12 been padded?

13 MR. STERN: Objection. Asked and answered.

14 MR. JORDAN: That's fine. You can answer again.  
15 Yes or no?

16 BY THE WITNESS:

17 A. I have answered, I will answer again. My  
18 knowledge is limited to Michael White's admission  
19 under oath.

20 Q. Okay. I will tell you I was at his  
21 deposition; he made no such admission. Taking aside  
22 whatever Michael White said, that your  
23 characterization or otherwise, at his deposition. You  
24 have no personal knowledge as to whether any employee

1 file has been altered, amended, added to, or detracted  
2 from, or otherwise padded; is that correct?

3 MR. STERN: Objection to form.

4 BY THE WITNESS:

5 A. No, that is not correct.

6 Q. Okay. What personal knowledge y outside of  
7 you hearing some statement by Michael White at a  
8 deposition, do you have?

9 A. I have personal knowledge of my signature  
10 being forged by your client.

11 Q. Okay.

12 A. (Indiscernible).

13 Q. Hold on, Mr. White, it really doesn't do you  
14 good to hold up a piece of paper where you're five  
15 miles away from the camera.

16 A. (Indiscernible).

17 Q. All right. So, anyway, I am moving on here.  
18 Okay.

19 A. (Indiscernible).

20 Q. Excuse me, Mr. White, you're not supposed to  
21 interrupt me when I am asking a question. Remember,  
22 that was one of our first ground rules.

23 A. And our ground rule was also that we would  
24 let each other finish our answer. Please let me

1 finish my answer.

2 Q. No. I am moving on. Okay. Mr. White, are  
3 you saying that the severance agreement with your  
4 purported forged signature, was contained in David  
5 Boshea's employee file?

6 A. That is not what I said.

7 Q. That is why I am asking you. Was David  
8 Boshea's -- was any severance agreement, signed or  
9 unsigned, relating to David Boshea's employment with  
10 Compass included in his employee file?

11 MR. STERN: Objection to form.

12 BY THE WITNESS:

13 A. I don't know.

14 Q. Okay. Then when responding to the  
15 interrogatories and document requests in this case,  
16 who examined David Boshea's employment file, if you  
17 know?

18 A. I don't know.

19 Q. Okay. Are you aware of -- without regard to  
20 whether it's David Boshea or anybody else, are you  
21 aware -- are there any properly signed and written  
22 severance agreements entered into between Compass and  
23 any employee between 1998 and 2012 that Compass cannot  
24 locate?



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1 A. It appears to be the same.

2 Q. Okay. And there is a signature on there.

3 Do you recognize the signature?

4 A. It appears to be mine.

5 Q. Yes. Is it yours?

6 A. It appears so, yes.

7 Q. Okay. Did you sign this document, yes or  
8 no?

9 A. I don't remember, but it appears that I did.

10 Q. Okay. Now you say you don't remember. What  
11 do you mean, you don't remember? You may have signed a  
12 document that you don't remember signing?

13 A. I don't know if this is a document that I  
14 signed. I certainly don't remember signing this  
15 particular document. I sign a lot of them.

16 Q. Okay. When you signed the document, did you  
17 believe the answers in the interrogatories were  
18 accurate and correct?

19 A. Well, I just said I don't remember signing  
20 this particular document.

21 Q. Okay. I think you believe that is your  
22 signature. Do you want to go through these and tell  
23 me whether these answers need to be amended at all?  
24 You know, we're up on number one. Feel free to read

1 through and let me know when you're ready to move.

2 A. Okay.

3 Q. Is there any amendment that is needed to  
4 this so far?

5 A. I am only seeing part of the page.

6 MR. STERN: Can you clarify for the record, this  
7 part?

8 BY MR. JORDAN:

9 Q. I showed you the response to interrogatory  
10 number one and through Rebecca O' Barsky (phonetic) on  
11 page two of four. And now let's look at it Exhibit 2,  
12 page 5. If you can read this and let me know when  
13 you're ready, and I will move on.

14 MR. STERN: Just so it's clear, if you scroll up  
15 a little bit, Greg, just a little bit.

16 MR. JORDAN: I am going to scroll through the  
17 entire thing so that nothing's cut off. So the names  
18 Michael White, George White and Daniel White are on  
19 that page right now.

20 MR. STERN: On the screen that we're seeing, the  
21 bottom part of Daniel White's cut off. So I am just  
22 trying to be clear for the record reports --

23 MR. JORDAN: Okay. Tell me if you see the entire  
24 Daniel White.

1 MR. STERN: Okay. So now we have the full text of  
2 Michael White, George White, and Daniel White  
3 responses.

4 MR. JORDAN: Okay.

5 BY MR. JORDAN:

6 Q. Let me know when you're finished reading.

7 A. Okay.

8 Q. Do you see the John White, Jerry Kane  
9 (phonetic), Aaron Songer (phonetic), Lou Fernandez,  
10 Dana Esavano (phonetic) on the screen?

11 A. I do.

12 Q. Okay. Can you read through that?

13 A. Sure. Okay.

14 Q. Okay. And then we have the sixth page, it  
15 starts with James Columbus, and I have up on the  
16 screen, read through Kevin -- can you see through  
17 Kevin Vandusan (phonetic)?

18 A. Yes.

19 Q. Okay. Just read that.

20 A. Okay.

21 Q. Okay. And then, the remainder of the page  
22 is up. John Mancini through Frank Pellegrino, do you  
23 see that?

24 A. I do.

1 Q. Okay. Just read through and let me know  
2 when you're finished.

3 A. Okay.

4 Q. And then there is Marty Monterrey, John  
5 Adams, Jesse Williams up on the screen; do you see  
6 that?

7 A. I do.

8 Q. Okay. Can you read through that?

9 A. Okay.

10 Q. All right. After reviewing that, is there  
11 any reason to amend or change the responses to  
12 interrogatory number one?

13 A. Let me read the question again.

14 Q. It says: Identify each person whom the  
15 defendant believes has or may have knowledge of the  
16 facts and circumstances alleged in the complaint,  
17 affirm defenses the defendant filed in this action or  
18 both. For each person so identified, described the  
19 information and knowledge the defendant believes such  
20 person possesses as to each of the interrogatories set  
21 forth below.

22 MR. STERN: I am just going to object to the  
23 extent affirmative defenses has legal significance,  
24 and the witness may not know the answers to that.

1 BY MR. JORDAN:

2 Q. You know what, I am just asking if you need  
3 to amend the responses to interrogatories. I assume  
4 you have good counsel. They would have advised you at  
5 the time of the responses to the returns.

6 A. I don't believe counsel has advised to amend  
7 the interrogatories.

8 Q. Okay. I am not asking whether counsel --  
9 because the counsel wouldn't advise whether to admit -  
10 - this is a factual statement. Are any of the facts  
11 contained in response to interrogatory number one need  
12 to be supplemented, amended, or otherwise changed?

13 A. I am not sure.

14 Q. Why do you say you're not sure? Go ahead.  
15 Tell me why you think you are not sure?

16 A. Well, it's a pretty extensive list, and  
17 there is a lot of employees on there, and I don't know  
18 who else might have information in regard to this.

19 Q. Is there anyone you can think of?

20 A. I can't think of anyone, that is why I said  
21 I don't know.

22 Q. Okay. According to Michael White, okay, it  
23 says that Michael White had oversight over personnel,  
24 management, and payroll. What does Compass mean when

1 it responded that he had oversight over personnel,  
2 management, and payroll?

3 MR. STERN: Objection to the extent that that  
4 suggests that he was a corporate designee and he's  
5 not.

6 MR. JORDAN: He signed the responses, so I assume  
7 that he has knowledge about this.

8 MR. STERN: Yes, about his knowledge. But it's  
9 not in his --

10 MR. JORDAN: Okay.

11 BY MR. JORDAN:

12 Q. What do you know about Michael White having  
13 had oversight over personnel, management, and payroll?

14 A. I think the words speak for themselves. He  
15 had oversight for management and payroll.

16 Q. You know words don't speak, witnesses speak.  
17 I don't know necessarily what is meant in this  
18 response. So when it said Michael White had oversight  
19 over personal, management, payroll, what oversight did  
20 he have?

21 A. All responsibility for the payroll.

22 Q. What does that mean?

23 A. He managed it, himself.

24 Q. Did he make decisions as to compensation?

1 A. He wasn't supposed to.

2 Q. Okay. Was his role just a functional role  
3 where he processed the payroll or something else?

4 A. It was supposed to be that.

5 Q. Okay. What did he do with regard to  
6 personnel management?

7 A. He managed the health insurance, the 401k  
8 plan, basically what we call personnel management.

9 Q. When you say personnel management, you mean  
10 managing health and 401K?

11 A. Yes.

12 Q. Okay. So he would have been informed as to  
13 all the details of Boshea's hire and compensation  
14 package for administrative purposes, including the  
15 lack of a severance agreement of the kind described by  
16 plaintiff. Okay. So who would have informed him as  
17 to the details of Boshea's hire and compensation  
18 package?

19 A. I would have.

20 Q. Okay. Anyone else?

21 A. I don't believe so.

22 Q. Okay. And it says: Including the lack of a  
23 severance agreement. What discussions did you have  
24 with Michael White about the lack of a severance



1 agreement in 2007?

2 A. I don't recall any discussions in 2007 with  
3 Michael White on this.

4 Q. Okay. You know, it's the absence that  
5 really kind of makes it interesting for me. It says:  
6 Including the lack of a severance agreement, are you  
7 saying that for a fact that there was a decision made  
8 not to give a severance agreement to David Boshea, or  
9 that you don't recall, or something else?

10 MR. STERN: Objection to form.

11 BY THE WITNESS:

12 A. I think the words speak for themselves.

13 Q. Again, witnesses speak. Words don't speak.  
14 It says: Including the lack of service agreement, was  
15 there any discussion with anyone about not providing a  
16 severance agreement to David Boshea?

17 A. I have already answered that. I don't  
18 recall any discussions from fifteen years ago.

19 Q. Okay. Do you recall any discussions with  
20 David Boshea where either there was a statement that a  
21 severance agreement is going to be provided, or a  
22 severance agreement was not going to be provided?

23 MR. STERN: Objection to form.

24 BY THE WITNESS:

1           A.     I don't remember any conversations like  
2     that.

3           Q.     Okay.  Is there anything that you refresh  
4     your recollection about communications, about a  
5     severance agreement between Compass and David Boshea?

6           A.     I can't think of any.

7           Q.     Okay.  Do you have a recollection of your  
8     conversations with David Boshea about his compensation  
9     package before he was hired?

10          A.     No.

11          Q.     Okay.  Is there anything that would refresh  
12     your recollection about your discussions with David  
13     Boshea about his compensation package before he was  
14     hired?

15          A.     Maybe getting the fifteen years back, but  
16     no, other than that, nothing.

17          Q.     Okay.  Do you have any recollection of  
18     conversations with David Boshea about his compensation  
19     package at the time he was hired, on the day he was  
20     hired?

21          A.     No.

22          Q.     Is there anything to refresh your  
23     recollection about those conversations?

24          A.     Other than the fifteen years, no.

1 Q. Okay. Going back fifteen years, is it your  
2 testimony that you don't have any recollection as to  
3 whether there was or was not a severance agreement  
4 between David Boshea and Compass?

5 A. That is not what I said.

6 Q. Okay. What did you say?

7 A. Can we have the court reporter read back the  
8 record?

9 Q. I understand your answer. I am not  
10 interested in your prior answer. I asked you this  
11 one. What is your recollection -- let me ask a new  
12 question. What is your recollection as to whether or  
13 not David Boshea had a severance agreement?

14 A. I don't have a recollection of this time  
15 period that you're referring to.

16 Q. Okay. So you just don't recall?

17 A. I don't remember.

18 Q. Okay. Is there anything that could assist  
19 you in remembering?

20 A. Other than the fifteen years, no.

21 Q. Okay. And then was it Daniel White -- okay,  
22 it indicates that he was legal counsel for Compass at  
23 the time of Boshea's hiring. The terms of Boshea's  
24 compensation employment package would have been to

1 communicate it to Daniel White so that he could draft  
2 the applicable employment contracts. Okay. Do you  
3 recall what conversations you had with Daniel White  
4 with regard to Boshea's compensation employment  
5 package?

6 A. I do not.

7 Q. Okay. What applicable employment contracts  
8 would Daniel White have drafted?

9 A. The employment contracts that we generally  
10 use.

11 Q. Okay. What employment contracts did Compass  
12 generally use at the time David Boshea was hired?

13 A. We provided them for you, but I don't  
14 understand your question.

15 Q. Well, I don't know. I wasn't at Compass. I  
16 if I went back fifteen years, I wouldn't have even  
17 known the existence of Compass Marketing, David  
18 Boshea, or John White, so you have to tell me. What  
19 were the -- what was Daniel White drafting when David  
20 Boshea was hired? The words have a meaning, he was  
21 drafting something.

22 A. Employment agreements.

23 Q. Okay. So he drafted an employment agreement  
24 for David Boshea?

1           A.     I don't know. I assume he did. That was  
2 his job at the time.

3           Q.     Okay. It says: John White has in that  
4 portion right here. John White has full knowledge of  
5 Boshea's compensation packages and employment terms,  
6 the duration of his employment with Compass. Okay.  
7 What do you recall about David Boshea's compensation  
8 packages and employment terms at the time of his hire?

9           A.     I don't recall the time of his hire.

10          Q.     Is there anything that could help you recall  
11 David Boshea's compensation packages in employment  
12 terms at the time of this hire?

13          A.     Yes. His employment agreement.

14          Q.     Okay. Is that that document that you didn't  
15 sign, that was forged?

16          A.     No. That is obviously not the document that  
17 would help me determine Mr. Boshea's agreement. It  
18 would be the actual unforged document that would help  
19 me.

20          Q.     Okay. What was the difference between that  
21 document and the document that you did? So are you  
22 saying that you signed an employment agreement between  
23 Compass and David Boshea?

24          A.     That is not what I said.

1 Q. Okay. That is why I asked. Okay. Did  
2 David Boshea ever -- did you ever sign an employment  
3 contract relating to David Boshea's employment? Ever.

4 A. I don't recall.

5 Q. Is there anything that could help you  
6 recall?

7 A. The contract.

8 Q. Okay. And does Compass or you or anybody  
9 else have in their possession that contract?

10 MR. STERN: Objection to the form.

11 BY THE WITNESS:

12 A. We do have one of them from 2015, yes.

13 Q. Okay. Anything prior to 2015?

14 A. I don't recall.

15 Q. Is there anything that could help you  
16 recall?

17 A. The employment contract itself that is not  
18 forged would help me.

19 Q. Okay. But you don't know where that is, if  
20 it exists?

21 A. I do not.

22 Q. Okay. Now, there are various people on page  
23 6, James Columbus, also known as Chip Dupaula  
24 (phonetic), he had a written and signed employment

1 contract; is that correct?

2 A. I believe so.

3 Q. Okay. And John Greenwood, he had a written  
4 and signed employment agreement; is that correct?

5 A. I believe that he did.

6 Q. Okay. And Alisa Greenwood had a written and  
7 signed employment contract with Compass, correct?

8 A. All employees should have had written and  
9 signed agreements, including a lease agreement.

10 Q. Okay. Including David Boshea?

11 A. All employees should have had a signed  
12 employment agreement.

13 Q. Did David Boshea have a signed employment  
14 agreement?

15 A. I don't know.

16 Q. Okay. You said, "all employees", so I am  
17 just trying to understand your answer. So what was  
18 David Boshea -- first of all, what exactly happened in  
19 2019 that George White and Michael did, as far as you  
20 know?

21 A. I don't understand your question.

22 Q. Okay. Do you remember the preliminary  
23 statement number 5 about -- in or about July 2019,  
24 Michael White and his son, as administrators of the

1 domain, the dot.com domain, prevented and continued to  
2 prevent Compass from accessing records in the .com  
3 domain?

4 A. Yes.

5 Q. Okay. What exactly did they do, if you  
6 know?

7 A. I don't know exactly, but generally they  
8 seized control of our network, and refused and  
9 continue to refuse to release it to us.

10 Q. Okay. After George White and Michael White  
11 did the things that you just said, what efforts did  
12 Compass undertake to find or obtain possession of its  
13 .com domain from them?

14 A. I don't know the exact details of what was  
15 done, but in general, we attempted to get control back  
16 of our network.

17 Q. Generally, what did Compass do?

18 A. I am sorry, can you repeat that?

19 Q. Generally, what did Compass do? Even if you  
20 don't know specifically what they did, what generally  
21 did Compass do to try to get the .com domain as it's  
22 defined in primary statement number 5 back?

23 A. Generally, we engaged an outside firm that  
24 specializes in cybersecurity. We contacted Google and



1 Microsoft, and we called the police.

2 Q. Okay. Who maintained the domain?

3 A. Compass.

4 Q. No, no, there is a there is a host company  
5 that maintains every domain. I think netfirms.com  
6 hosts my domain, even though I use the Microsoft  
7 system, the OneDrive and everything else from my firm.  
8 Who hosts the .com domain?

9 A. I don't know for sure, but I think it's  
10 Google.

11 Q. Okay. What makes you think Google maintains  
12 the .com domain?

13 A. Because we still get monthly invoices from  
14 Google specific to the .com emailed to George White  
15 and Michael White.

16 Q. Okay. Do you pay them?

17 A. No. Somebody with a credit card pays them,  
18 it is not us.

19 Q. Okay. And you don't know who that is?

20 A. We guess it's Michael or George White, who  
21 are addressed -- these emails are addressed. I don't  
22 know who it is, o.

23 Q. Okay. Now, up on the screen, we see Jay  
24 White, Exhibit 3, okay, which is -- it has some

1 letterhead on that. Whose letterhead is that?

2 (Exhibit 3 was displayed.)

3 A. Whose letterhead is that?

4 Q. Correct.

5 A. It says Compass Marketing.

6 Q. Is it Compass Marketing letterhead?

7 A. I don't know. At the time, it might have  
8 been. I don't think it is today.

9 Q. Okay. And then there is -- this goes two  
10 pages. First off, just to make sure, there is some  
11 handwriting at the top. Do you recognize the  
12 handwriting?

13 A. I do.

14 Q. Whose handwriting is that?

15 A. That is Michael White's handwriting.

16 Q. Okay. And what I want you to do is to read  
17 Jay White, Exhibit 3, and we're going to go through  
18 the first four paragraphs are up on the screen; do you  
19 see that? It starts: Dated Tuesday, December 15,  
20 2015. Dear David Boshea, and then it has four  
21 paragraphs. Let me know when you've read them.

22 A. Okay.

23 Q. And then there is -- below that it says,  
24 respectfully, JD, John D. White, Chief Executive

1 Officer, and it bears a signature. Do you recognize  
2 the signature?

3 A. It appears to be mine.

4 Q. Okay. And then there is an employee line;  
5 is it signed?

6 A. It is not.

7 Q. Okay. And then there is -- the second page  
8 is an email. And it says: John White. And then it  
9 says: jwhite@compassmarketinginc.com. Do you  
10 recognize that email address?

11 A. I do.

12 Q. Whose email address is that?

13 A. That was my email address.

14 Q. On September 15, 2015, that was your email  
15 address?

16 A. I believe so.

17 Q. Okay. And it is to David Boshea, and then  
18 it says: dboshea@compassmarketingin.com. Do you  
19 recognize whose email address that is or was on  
20 September 15, 2015?

21 A. I believe it was David Boshea.

22 Q. And it copies Mike White,  
23 mw@compassmarketinginc.com. Whose email address, if  
24 you know, was that on September 15, 2015?

1 A. Michael White.

2 Q. Okay. And then Daniel White, it says  
3 dwhite@compassmarketinginc.com. Whose email address  
4 was that on September 15, 2015?

5 A. That was Daniel White's Compass email  
6 address.

7 Q. Okay. And then the email says: Dave, see  
8 attached per our conversation. Sorry, Dave. John.  
9 Did you author that email?

10 A. I don't recall.

11 Q. Okay. And then it says -- the person says:  
12 Per our conversation. Did you have a conversation  
13 with regard to the first page of this exhibit? It is  
14 sometime around or before September 15th, on or before  
15 September 15, 2015?

16 A. I don't recall seven years (indiscernible).

17 Q. Okay. So is there anything that could help  
18 you recall the conversation that you had with David  
19 Boshea on or about September 15, 2015, that is  
20 referenced in that email on page 2 of Exhibit 3?

21 A. Other than the seven years, no.

22 Q. Okay. I am not sure, what do you mean  
23 "other than the seven years"?

24 A. If I could get seven years back to this

1 date, that would help me recall what you're asking.

2 Q. Okay. All right. What, if any, reference  
3 in this exhibit is there made to severance?

4 A. I am sorry. What is your question?

5 Q. What, in ay, reference to severance is made  
6 on page 1 of Exhibit 3, which is the letter to David  
7 Boshea asking him to accept a reduction in his base  
8 compensation?

9 MR. STERN: Objection to form.

10 BY THE WITNESS:

11 A. I think the compensation includes or would  
12 include any severance.

13 Q. Okay. Why do you say that?

14 A. Well, compensation includes severance.

15 Q. Okay. In what way does it? Other than  
16 severance is included in compensation, in what way is  
17 maintaining a severance inconsistent with the terms of  
18 this letter?

19 MR. STERN: Object to form.

20 BY THE WITNESS:

21 A. I didn't understand your question. Can you  
22 ask, again?

23 Q. Okay. It says here: The terms of this  
24 letter of agreement will supersede any inconsistencies

1 with any prior agreements regarding the terms of your  
2 compensation and cannot be modified unless in writing  
3 and signed by us. Your agreement shall continue at  
4 will.

5 What I am asking you is: In what way is  
6 maintaining his -- any severance agreement he might  
7 have had inconsistent with this letter?

8 A. I am still not understanding, Greg. Can you  
9 can you ask again just slower?

10 Q. Okay. How, if at all, did this letter  
11 supersede David Boshea's right to receive severance?

12 MR. STERN: Objection to form.

13 BY THE WITNESS:

14 A. Other than that, it says it's a  
15 modification, and that compensation would include  
16 severance, I don't know anything else other than that.

17 Q. Okay. So it doesn't the word "severance" in  
18 the letter, correct?

19 A. As I read this letter, the word "severance"  
20 is not on the page.

21 Q. And the purpose of letter was to reduce base  
22 compensation to an annual amount of \$180,000; is that  
23 right?

24 MR. STERN: Objection to form.

1 BY THE WITNESS:

2 A. No.

3 Q. What was the purpose of the letter other  
4 than asking him to agree to accept the reduction in  
5 base compensation to an annual amount of \$180,000  
6 before customary deductions in the categories of his  
7 regular payroll deductions?

8 A. It was a modification of his compensation.  
9 And the rest of the letter, if I could read the letter  
10 to you. The employment shall be at will. If you want  
11 me to read the letter, I am happy to read the letter  
12 to you.

13 Q. I know. I don't need you to read the  
14 letter. I am perfectly capable. Sixteen years at  
15 Catholic school served me well. I can read.

16 What I am asking you is: Other than reducing the  
17 base compensation, what other change to David Boshea's  
18 employment agreement, at will or otherwise, were  
19 stated in this letter?

20 A. Can you ask that again, Greg?

21 Q. Sure. Other than asking David Boshea to  
22 accept a reduction in his base compensation, what  
23 other terms of his employment were mentioned in this  
24 letter?

1 MR. STERN: Objection to form.

2 BY THE WITNESS:

3 A. One says it will be at will.

4 Q. Was he not employed at will, previously?

5 A. I don't recall, but that is something else  
6 that is referred to in the letter, and I think in  
7 answer to your question.

8 Q. Okay. Anything else? Reduction in  
9 compensation, his employment at will? Anything else  
10 mentioned in the letter?

11 A. There is nothing else in the letter. There  
12 is nothing other than what's in the letter, that the  
13 letter refers to.

14 Q. Okay. Do you know whether David Boshea ever  
15 signed a document similar or the same as J. White  
16 Exhibit 3, which was what you referred to just now as  
17 the letter?

18 A. I do not recall.

19 Q. Is there anything I could help you recall?

20 A. I can't think of anything that would help me  
21 recall that.

22 Q. Okay. Did Compass reduce anyone else's  
23 compensation in 2015? Excuse me, let me start again.  
24 At the time that Compass reduced David Boshea's base



1 compensation in 2015, did Compass reduce anyone else's  
2 compensation?

3 A. Yes.

4 Q. What percentage of the employees'  
5 compensation was reduced, along with David Boshea's?

6 A. I don't recall.

7 Q. Do you recall any employee of Compass whose  
8 compensation was not reduced at the same time?

9 A. I don't recall.

10 Q. Is there anything that can assist you in  
11 recalling, other than going back in the time machine,  
12 seven years?

13 A. Yes.

14 Q. What would help you recall.

15 A. The payroll report from the payroll company.

16 Q. Okay. So it may have been that David Boshea  
17 was -- you know there were other people whose  
18 compensation was reduced at that time, but you would  
19 have to look at the payroll reports to determine whose  
20 compensation was not reduced; is that correct?

21 A. Correct.

22 Q. Okay. Was your compensation reduced at that  
23 time?

24 A. I don't recall, but I -- I don't recall.

1 Q. Is there anything, other than looking at the  
2 paper records, that would assist you in recalling?

3 A. I would have a look at my bank accounts.  
4 Yeah, probably my bank accounts would show.

5 Q. It seemed to me to be generally a big deal  
6 to have compensation reduced. So you don't recall  
7 whether yours was reduced; is that what you're saying?

8 A. I don't recall. But what you are right, it  
9 was a big deal.

10 Q. Okay. And yet you don't recall, right?

11 A. I recall some employees that were reduced,  
12 but I don't recall if I was or not.

13 Q. Okay. I have here what has been marked as  
14 J. White Exhibit 4, which are -- I will tell you,  
15 David Boshea's notes that he made apparently on  
16 September 16th, 2015. It says J. White convo, I would  
17 anticipate that means there was a conversation with  
18 you at -- around that time. Can you review this and  
19 let me know when you've read the exhibit.

20 A. Sure.

21 MR. STERN: Greg, can you please instruct Mr.  
22 Boshea to stop. I don't know what's so funny, but he  
23 keeps laughing.

24 MR. JORDAN: I think you are making something up,

1 Steve. Honestly, I didn't hear anything.

2 MR. STERN: Well, I hear someone laughing.

3 MR. JORDAN: Okay.

4 BY MR. JORDAN:

5 Q. Just let me know when you're finished.

6 A. Okay. Finished.

7 Q. Go down to the bottom, and the last words  
8 appear to be: In Jan. 2016; do you see that?

9 A. I do.

10 Q. Okay. In Mr. Boshea's notes, was there any  
11 reference to severance?

12 MR. STERN: I am going to just object to the  
13 characterization. Mr. White cannot confirm or verify  
14 whether those are Mr. Boshea's notes.

15 MR. JORDAN: I am telling you that I am  
16 representing to you as an officer of the court that we  
17 have identified these in discovery as David Boshea's  
18 notes.

19 MR. STERN: (Indiscernible, talk over).

20 THE WITNESS: (Indiscernible, talk over).

21 BY MR. JORDAN:

22 Q. So you may take it from me, Mr. White. You  
23 may take it from me that these are David Boshea's  
24 contemporaneous notes prepared at the time of your

1 conversation with him regarding the salary reduction.  
2 So having said that, is there any reference in his  
3 notes to severance?

4 MR. STERN: I am going to repeat my objection that  
5 Mr. White is not able to know that these were, in  
6 fact, taken by Mr. Boshea at the time representing. I  
7 understand your representation, but Mr. White cannot  
8 testify to that.

9 MR. JORDAN: Is that a speaking objection? Did I  
10 hear?

11 MR. STERN: I am just noting it.

12 MR. JORDAN: Yes, yes, it is a speaking objection.

13 MR. STERN: John, you like -- John, would you like  
14 to leave the room a minute.

15 MR. JORDAN: Okay.

16 BY MR. JORDAN:

17 Q. With that regard to anything, is there any  
18 reference on this page to severance?

19 A. I can't read all of the writing, but I don't  
20 see the word "severance".

21 Q. Okay. Let me let me read it to you, how I  
22 remember reading it. RE: Salary reductions.

23 (asterisk) Effective 10/15/15 (asterisk) me \$200K;

24 (arrow) \$180K; (asterisk) J. White to bring mine back

1 to \$200K in January 2016, it appears. Pay back via  
2 bonus. (asterisk) pay me back money owned for WEGC,  
3 give John total owed me; he ay in January -- Jan.  
4 2016.

5 Okay. Is there any reference in that recitation  
6 to severance?

7 A. I did not hear you say "severance", no.

8 Q. Do you see the word "severance"? Can you  
9 discern the word "severance" on the page?

10 A. I already answered. I don't see the word  
11 "severance".

12 Q. Okay. Did you agree to bring -- did you  
13 dispute that you agreed to bring David Boshea's  
14 compensation back to \$200,000 in the future?

15 A. That is not what I said.

16 Q. What did you say?

17 A. I said, I don't see the word "severance".

18 Q. I asked you a different question, Mr. White.  
19 Did you tell David Boshea in September 2015 that you  
20 were going to bring his compensation back to \$200,000  
21 at some point, via bonus?

22 A. I don't recall.

23 Q. Is there anything that could help you recall  
24 that?

1 A. No.

2 Q. Okay. There is a reference to WEGC. Do you  
3 know what WEGC is?

4 A. I don't. This document that you're  
5 referring to doesn't appear to be authentic to me, but  
6 if it is, and it was written at this time, it just  
7 simply appears to be an acknowledgment (indiscernible,  
8 talk over.)

9 Q. Excuse me, Mr. White. Mr. White, I am not  
10 asking you to speculate on your belief of anything. I  
11 am asking you if you know what WEGC stands for?

12 A. Yeah. And I am going to try to answer  
13 again, please. But don't talk over me.

14 Q. Then just tell me. All right. So you  
15 determined -- we determined that you know what WEGC  
16 stands for. What does WEGC --

17 A. But I --

18 Q. Excuse me. I am trying to ask a question.  
19 What does WEGC stand for?

20 A. I will start, again. I don't recognize the  
21 --

22 Q. Excuse me, Mr. White. The ground rule was  
23 you had to be responsive, and I would not interfere.  
24 But you are not being responsive. All I am asking --

1 I have moved on. I am not interested in your -- and  
2 so not interested in your commentary about David  
3 Boshea's notes. David Boshea's notes are David  
4 Boshea's notes. He can testify in front of the jury  
5 and the jury will believe him or not. Okay. I am  
6 only asking you what does WEGC stand for?

7 A. That's not all you are doing. You're  
8 talking over me, which you still are doing.

9 Q. All right. Mr. White, we have moved on. We  
10 have moved on from your commentary about your not  
11 expert belief of whatever. I am not interested in  
12 that, so we are moving on.

13 A. You are talking over me.

14 Q. WEG -- excuse me. WEGC stands for what?

15 A. You are talking over my answers.

16 Q. You are not answering. You are trying to  
17 make some sort of nonresponsive commentary to a very  
18 simple question. You have already identified that you  
19 know what WEGC stands for.

20 A. What did I say?

21 Q. Just tell me. What does WEGC stand for or  
22 tell me you don't know. And then we will present thus  
23 in jury where you said you knew what it meant and all  
24 of a sudden you had a brain cramp.

1           A.     To be clear, I did not say I knew what it  
2 meant.

3           Q.     You don't know what WEGC stands for?

4           A.     I did not say that.

5           Q.     All right. So what does WEGC stand for, if  
6 you know?

7           A.     I will try to answer. I will ask that you  
8 don't interrupt me, please, which is a problem.  
9 (Indiscernible, talk over).

10          Q.     If you are responsive, I will not interrupt  
11 you.

12          A.     You are interrupting me.

13          Q.     Go ahead.

14          A.     Well, you asked me to agree to it at the  
15 beginning of this deposition.

16          Q.     You have to be responsive.

17          A.     (Indiscernible, talk over) interrupting me.

18          Q.     Okay.

19          A.     You may not like my answer, you are going to  
20 have to receive it, whether you like it or not.

21          Q.     I am only interested in you telling me what  
22 WEGC stands for. If you say anything other than  
23 telling me what it stands for, I will interrupt you.  
24 I guarantee it. What does WEGC stand for?



1 A. I don't know.

2 Q. Okay. Have you ever heard of the White  
3 Eagle Golf Club?

4 A. Yes.

5 Q. What is the White Eagle Golf Club, as far as  
6 you know?

7 A. I think it's a golf club.

8 Q. Okay. Have you ever been there?

9 A. Yes.

10 Q. Okay. Where is it located?

11 A. It is in Naperville. Chicago.

12 Q. Okay. Have you ever met anybody who was a  
13 member of the White Eagle Golf Club?

14 A. I don't know.

15 Q. Okay. Was David Boshea ever a member of the  
16 White Eagle Golf Club?

17 A. I don't know.

18 Q. That is a great answer. Okay.

19 A. Wow. (Indiscernible).

20 Q. You know what, please, let me ask another  
21 question. I just appreciate that. I look forward to  
22 putting this in front of the jury.

23 A. (Indiscernible, talk over).

24 Q. Excuse me, can I ask a question.

1 MR. STERN: Hold on one second, I have to find the  
2 mute button.

3 THE WITNESS: Wow.

4 MR. JORDAN: Excuse me, gentlemen. I believe rule  
5 30 applies to you. Unless you guys are talking about  
6 the Oriole game, there is no reason for you to be  
7 talking to your client here on the video.

8 MR. STERN: Okay.

9 MR. JORDAN: Are we taking a break?

10 MR. STERN: No. I can say this on the record or  
11 off the record, but I don't see any reason that you  
12 need to make these side statements. I just would  
13 suggest you move on to the next statement. We don't  
14 need to know what you're going to present to the jury  
15 what you're not going to present to the jury.

16 MR. JORDAN: Okay.

17 MR. STERN: Just continue on with your questions,  
18 please.

19 MR. JORDAN: All right. No problem.

20 MR. STERN: All right.

21 MR. JORDAN: Can you get Mr. White, or do you want  
22 to take a break?

23 THE WITNESS: It is about time for lunch.

24 MR. GARTEN: Can you hear us, Greg?

1 MR. JORDAN: I can.

2 MR. GARTEN: I was just saying it's about 1:30  
3 East Coast time. It seems like it would be an  
4 opportune time for a lunch break.

5 MR. JORDAN: Well, how long would you like for a  
6 lunch break?

7 MR. STERN: About a half hour?

8 MR. JORDAN: Okay. All right. So we'll be back at  
9 or about 1:07 my time, 2:07 your time.

10 MR. STERN: Okay.

11 MR. JORDAN: Okay.

12 MR. STERN: Thank you.

13 MR. REPORTER: We are off the record at 12:27 p.m.  
14 Central Time.

15 (A break was taken.)

16 MR. JORDAN: Let's go back on the record. What  
17 time is it?

18 MR. REPORTER: We are on the record at 1:24 p.m.  
19 Central Time.

20 MR. JORDAN: Okay.

21 BY MR. JORDAN:

22 Q. What I am going to do is I guess as long as  
23 we were just talking offline here. So, Mr. White, can  
24 you tell me, with regard to when David Boshea was

1 employed by Compass Marketing, when, if ever, did he  
2 have a physical office at Compass Marketing's  
3 headquarters?

4 Let me start again. Compass Marketing's  
5 headquarters were, when David Boshea was employed, in  
6 Annapolis, Maryland; is that right?

7 A. Yes.

8 Q. Have they moved from the headquarters that  
9 they had when David Boshea was employed?

10 A. Yes.

11 Q. Okay. Where is the company located now?

12 A. Moved twice, but it is still in Annapolis,  
13 but all three offices are in Annapolis.

14 Q. Okay. And has the company gone mostly  
15 virtual since the pandemic?

16 A. Mostly virtual. We offer either work in  
17 office or from home.

18 Q. Okay. So has it downsized its office space?

19 A. Downsized to a smaller office.

20 Q. Okay. How many square feet do they have  
21 before?

22 A. I don't remember.

23 Q. Okay. In relation to the former offices,  
24 how much smaller are the current offices, office

1 space?

2 Q. I wouldn't know what exactly, I mean --

3 Q. Can you just give me an estimate?

4 A. Half.

5 Q. I am not trying to be clever or coy, but one  
6 of the things in your counterclaim had to do with some  
7 loss of a lease, and I am trying to see whether, in  
8 fact, what ended up happening. So how much smaller are  
9 the offices now?

10 A. Probably half the size.

11 Q. Okay. And when Compass was looking for  
12 office space that it raised in this case, how much  
13 office space was it looking for?

14 A. About the same size.

15 Q. About the same size it has, or the same size  
16 that it has now?

17 A. Yeah, about half. About half, okay. That  
18 and 100% of the size it has today, about.

19 Q. Okay. And so just switching back to that,  
20 so did -- I was also sending Exhibits 6 through 10 to  
21 Mr. Gagliano and Mr. Stern while I was asking  
22 questions, so I kind of lost my train there. Did Mr.  
23 David Boshea have a physical office at Compass's  
24 offices?

1 A. No.

2 Q. Okay. During the term of his employment,  
3 how often did he come to Compass's office?

4 A. It ranged, depending on the years.

5 Q. Okay. Say like 2007 to 2010, approximately  
6 how many times a year did he come to Compass's  
7 offices?

8 A. I don't know.

9 Q. Okay.

10 A. Not many.

11 Q. And when you say, "not many", is that more  
12 than ten times?

13 A. No.

14 Q. More than five times?

15 A. I don't know for sure, but I would say it's  
16 less than ten times.

17 Q. Okay. And that's per year, or during that  
18 period?

19 A. During that period.

20 Q. Okay. And how about 2011 to 2015? How many  
21 times each year did David Boshea comes to the Compass  
22 offices in Maryland?

23 A. I think it was less than five, then. I  
24 believe that was about once per quarter.

1 Q. So about once per quarter each year?

2 A. Correct.

3 Q. Okay. And from 2015 to 2010, did he  
4 continue to come about once per quarter?

5 A. No, he stopped coming.

6 Q. Okay. Is that something that Compass  
7 directed or that he chose to do? If, you know.

8 A. I don't think anybody directed it. I think  
9 it just worked out that way. He'd come a couple of  
10 times a year.

11 Q. Okay. And how long -- during the period  
12 from 2007 to 2010, how long would he be in Maryland?  
13 Like a week, a month, a day?

14 A. It ranged, but it wasn't long. I mean, it  
15 normally was two days, two or three days maximum.

16 Q. Per trip?

17 A. Correct.

18 Q. Okay. And then from 2011 to 2015, how long  
19 would he stay in Maryland while he was, you know,  
20 working in Maryland?

21 A. Same, less time. Usually he would come in,  
22 stay the night, and then leave the next day.

23 Q. Okay. And then after 2015, how long would  
24 you stay when he was working in Maryland for Compass?

1 A. Well, he stopped coming in regularly.

2 Q. I understand that, but at some point, he was  
3 there, right?

4 A. Yes.

5 Q. Okay. How long would he stay?

6 A. He would normally just stay the day.

7 Q. Okay.

8 A. Stay the night and leave the next morning.

9 Q. Okay. So, like, would he be in from 2017 to  
10 2020, a couple of times a year, then? Is that -- I am  
11 trying to discern.

12 A. No, it might have been once, and then  
13 multiple years was none, zero.

14 Q. Okay. All right. Terrific. Trying to  
15 understand. Now prior to 2015 when David Boshea's  
16 compensation was reduced, prior to that, was there --  
17 did Compass post the boat trip tied to the Super Bowl  
18 in, I guess that would be 2014?

19 A. I don't know if that was the year, but we  
20 did host a boat trip, yes.

21 Q. Okay. How much did you spend on that?

22 MR. STERN: Objection, relevance.

23 MR. JORDAN: I am just trying to figure out why it  
24 was that David Boshea's compensation was cut.



1 BY MR. JORDAN:

2 Q. How much did you spend on the Super Bowl  
3 boat trip?

4 MR. STERN: Still not relevant but go ahead.

5 BY THE WITNESS:

6 A. I don't know.

7 Q. How many people were on the boat?

8 A. I don't know.

9 Q. More than 50?

10 A. I don't know how many people were on the  
11 boat.

12 Q. More than 40?

13 A. Same answer.

14 Q. More than one?

15 A. There was more than one, yes.

16 Q. More than ten?

17 A. I don't know.

18 Q. Do you know how much Compass spent on that  
19 trip?

20 A. I already answered that. No, I don't know.

21 Q. Okay. What benefit did it derive from that,  
22 if any?

23 A. What benefit did it derive?

24 Q. Yeah.

1 A. It helped one of our clients.

2 Q. Which client?

3 A. Anheuser-Busch.

4 Q. Okay. Did the revenues from Anheuser-Busch  
5 increase after the boat trip?

6 MR. STERN: Objection, relevance.

7 BY THE WITNESS:

8 A. I don't know.

9 Q. Is there anything that could help you  
10 remember?

11 A. I can't think of anything.

12 Q. Okay. So not nothing could refresh your  
13 recollection, then?

14 A. There is nothing I can think of that would  
15 refresh my recollection.

16 Q. Okay. Have you ever heard of Tagnetics?

17 A. Yes.

18 Q. Okay. How is it you've heard of Tagnetics?

19 A. It is a company that we've invested in, and  
20 a company that I run.

21 Q. Okay. And when you say, "we invested in",  
22 who is "we"?

23 A. The company, Compass Marketing.

24 Q. Okay. And does it own -- is it a

1 corporation, a limited liability company, or some  
2 other form of entity?

3 A. It is a corporation.

4 Q. Okay. What percentage of the shares of  
5 Tagnetics does Compass own?

6 MR. STERN: Objection to relevance? You can  
7 answer.

8 BY THE WITNESS:

9 A. I don't know.

10 Q. More or less than 10 percent?

11 MR. STERN: Objection to relevance.

12 BY MR. JORDAN:

13 Q. Compass?

14 A. Same answer, I do not know.

15 Q. Okay. Do you know how much it has invested  
16 in Tagnetics?

17 A. I do not.

18 Q. Okay. What was Tagnetics -- when did  
19 Compass first invest in Tagnetics?

20 MR. STERN: Objection, relevance.

21 BY THE WITNESS:

22 A. I don't recall.

23 Q. At the time it invested, what was  
24 Tagnetics's business?

1 A. What was his business?

2 Q. Correct.

3 MR. STERN: Relevance objection.

4 BY MR. JORDAN:

5 Q. You can go ahead.

6 A. It sold products. Manufactured and sold  
7 products.

8 Q. What kind of products?

9 A. Electronic shelf labels.

10 Q. Okay. To whom that did it sell electronic  
11 shelf labels?

12 MR. STERN: Objection, relevance.

13 BY MR. JORDAN:

14 Q. If it ever actually sold any? I don't want  
15 to assume any facts in evidence. Did it ever sell any  
16 electronic shelf items to anyone?

17 A. Yes.

18 Q. How long did it sell that --

19 MR. STERN: Objection. Relevance. I don't know  
20 if there is any confidentiality issues here. This is  
21 a company that's not even a party to this case and you  
22 are asking about sales.

23 MR. JORDAN: Oh, hold on, hold on, hold on,  
24 Stephen.

1 BY MR. JORDAN:

2 Q. To whom did it sell the electronic shelf  
3 labels?

4 MR. STERN: Like I said, I don't even know whether  
5 there's any confidential business issues there. And  
6 this is some other company that's not even a party to  
7 this case you are asking him to testify about.

8 MR. JORDAN: That's fine.

9 MR. STERN: (Indiscernible, talk over), I  
10 apologize, Greg, but (indiscernible, talk over).

11 MR. JORDAN: Don't worry. Don't worry.

12 BY MR. JORDAN:

13 Q. To whom did it sell the electronic shelf  
14 labels?

15 MR. STERN: And I'm saying, look --

16 MR. JORDAN: Are you instructing?

17 MR. STERN: This is confidential information that  
18 is not for public disclosure. I'm going to --

19 MR. JORDAN: How would you know? You're just  
20 guessing what this man is going to say?

21 MR. STERN: I don't know. That's why -- and so  
22 I'm instructing him, if there's confidential  
23 information. I don't know. I have no idea what the  
24 answer to this is, and I have no idea what the terms

1 of any agreements are. This is not a party to this  
2 case, so I'm just saying, if there are, I don't know.

3 MR. GARTEN: Greg, maybe what I ought to suggest  
4 is that we go on pause for a minute just to find out  
5 if they're --

6 MR. JORDAN: Hold on. Let me let me ask the next  
7 question and then we'll go from there. Okay?

8 MR. GARTEN: Okay.

9 BY MR. JORDAN:

10 Q. All right. Mr. White, while employed at  
11 Compass, when, if ever, did David Boshea provide  
12 services for Compass to work, to assist Tagnetics in  
13 its business?

14 A. I don't know the dates.

15 MR. STERN: Are you going to say when or what?

16 THE WITNESS: What was the question?

17 BY MR. JORDAN:

18 Q. Let's just start with the "did". Did David  
19 Boshea provide services for Compass to assist a  
20 relationship with Tagnetics?

21 A. I believe so.

22 Q. Okay. And when did he provide those  
23 services?

24 A. I don't know the dates.

1 Q. Can you say approximately when he started?

2 A. You would like me to guess?

3 Q. I would like you to estimate.

4 A. Share a word.

5 Q. I am not asking you to guess, but could you  
6 give me a range?

7 A. I don't know. So I would have to be  
8 guessing. If you would me to guess, I will guess.

9 Q. All right. Go ahead and guess.

10 A. The range between 2016 maybe, and 2019 or  
11 '18.

12 Q. Okay. Was there a reason why he stopped  
13 providing services on behalf of Compass to Tagnetics?

14 A. Not that I know of.

15 Q. Okay. What services did David provide on  
16 behalf of Compass for Tagnetics?

17 A. That's not what I said.

18 Q. I'm sorry. What did you say? Maybe I  
19 misunderstood. ? What did David do?

20 MR. STERN: Mr. Court Reporter, can you read back  
21 the record, please?

22 MR. JORDAN: No, no, hold on. I will just move  
23 on.

24 BY MR. JORDAN:

1 Q. What did David do for or on behalf of  
2 Tagnetics?

3 A. I didn't say that.

4 Q. What do you mean?

5 A. What do you mean? I didn't say that.

6 Q. Okay. Did David Boshea ever provide, while  
7 working at Compass, provide services on behalf of  
8 Compass to assist Tagnetics?

9 A. Please restate your question.

10 Q. Okay. Compass provided some services to  
11 Tagnetics; is that correct? At some point somebody  
12 did?

13 A. Can you just make it one question. How many  
14 questions are in there? Just one question.

15 Q. I will just start it again. Here you go,  
16 Mr. White. All right. At some point, someone from  
17 Compass provided services to Tagnetics; is that  
18 correct?

19 A. Yes.

20 Q. Okay. And at some point, David Boshea, on  
21 behalf of Compass provided services to Tagnetics; is  
22 that correct?

23 A. No, I wouldn't say that. He provided  
24 services to Compass.



1 Q. Right. He provided services to Compass, to  
2 benefit Compass in providing services to Tagnetics; is  
3 that right?

4 A. I wouldn't say that.

5 Q. How would you describe what David Boshea did  
6 in relation to Tagnetics?

7 A. David Boshea was a salesman for Compass.

8 Q. Okay. So he sold -- what did he sell? Did  
9 he sell to Tagnetics or did he assisted Tagnetics in  
10 selling something?

11 A. I didn't say anything about Tagnetics. I  
12 said he was a salesman.

13 Q. I know. I understand that. He was a  
14 salesman for a Compass, and so I asked the question.  
15 Did he sell something to Tagnetics? Did he provide  
16 services to assist Tagnetics to sell something or  
17 something else?

18 MR. STERN: Objection. Form.

19 BY THE WITNESS:

20 A. I'm not clear on your question, but he never  
21 sold anything for/to Tagnetics.

22 Q. What was David's relationship while working  
23 at Compass with or for Tagnetics?

24 MR. STERN: Objection to form.

1 BY THE WITNESS:

2 A. He was a salesman.

3 Q. Okay. And what did he sell?

4 A. He sold everything from Duracell batteries,  
5 M&Ms, he sold Chapstick, Advil, he sold Robitussin, he  
6 sold Centrum vitamins. He sold Dimetapp. He sold Dr.  
7 Scholl's. He sols -- I can't think of what else, a  
8 number of consumer products.

9 Q. And those are all for the benefit of  
10 Tagnetics? Because that was my question.

11 A. No, I didn't hear your question that way.

12 Q. Okay. When he was selling on behalf of  
13 Compass to or for the benefit of Tagnetics, what was  
14 he selling?

15 A. You've made the assumption that he's selling  
16 for the benefit of Tagnetics. That's not what I said.

17 Q. I didn't say he was. I said he had been  
18 selling to them. You said he was a salesman, right?

19 A. That he is a salesman. And he never sold  
20 anything for Tagnetics or to Tagnetics.

21 Q. Did he try to sell something for Tagnetics?

22 A. He may have, yes.

23 Q. What would he have tried to sell to for  
24 Tagnetics?

1       A.     The electronic shelf labels (indiscernible)  
2     from before.

3       Q.     Okay. And when did he do that? Oh, no, we  
4     already figured out when he did that. And did he sell  
5     anything to Tagnetics?

6       A.     No.

7       Q.     Okay. And I think you indicated, and this  
8     is puzzling to me, that you are still operating  
9     Tagnetics; is that right?

10      A.     I am.

11      Q.     Okay. Now, I looked up, you see on the  
12     screen here we have J. White, Exhibit No. 5, here,  
13     okay. And this is -- I looked up Tagnetics on -- I  
14     just did a web search and I came up with this kind of  
15     design thing, and it says: Tagnetics is a leading  
16     designer and marketer of power at the shelf, power  
17     shelf, retail technology solutions.

18             The company's proprietary technology provides  
19     constant power in two-way communications to enable  
20     software, enable devices that deliver unparalleled  
21     visibility and control of item-level movements to blue  
22     chip customers in both chain retail, consumer packaged  
23     goods. And it has investment type, investment date,  
24     view website, which takes you to an investment banker.

1 And then the second page is huge to (indiscernible).  
2 It says, Tagnetics.com is for sale by now, \$8,895  
3 dollars, and then they have a payment thing.

4 So Tagnetics doesn't have a website; is that  
5 right?

6 MR. STERN: Greg, can I ask? Did you get this  
7 from the internet, you said?

8 MR. JORDAN: Yeah.

9 BY MR. JORDAN:

10 Q. Does Tagnetics maintain a website, Mr.  
11 White?

12 A. I don't know what the current status is of  
13 the website.

14 Q. Okay. And so I see that there, you know,  
15 this would indicate they're looking for money and the  
16 second page would indicate that the name is for sale,  
17 but what is it -- are you saying it is currently  
18 operating; is that right?

19 A. I didn't say that.

20 Q. Okay. Is it currently operating?

21 A. Is Tagnetics currently operating? Yes.

22 MR. STERN: Objection to relevance.

23 MR. JORDAN: Okay.

24 MR. STERN: Greg, can you proffer where those

1 Tagnetics came from, what URL or what website that is?

2 MR. JORDAN: Just a second. Let's go off the  
3 record for just a second.

4 (A short break was taken.)

5 BY MR. JORDAN:

6 Q. I used Microsoft Bing as my search engine,  
7 and I put the word Tagnetics in and the first thing  
8 that pops up says, Tagnetics, Inc. Persimmon Capital  
9 Partners. Mr. White, who is Persimmon Capital  
10 Partners, if you know?

11 MR. STERN: Objection, relevance.

12 BY MR. JORDAN:

13 Q. I am just trying to explain. You asked me  
14 where I found it. So I don't know who Persimmon  
15 Capital Partners is. I am asking him so I can answer  
16 your question. Who is Persimmons Capital Partners?

17 A. It is a private equity firm.

18 MR. JORDAN: Okay. And this is -- so my internet  
19 search today, this is the same page that shows here as  
20 on the thing that I pulled off the Internet. The  
21 section says at the top, Persimmon Capital Partners,  
22 about team portfolio. So that's where I got it,  
23 Stephen.

24 MR. STERN: All right. Thanks.

1 MR. JORDAN: And I don't quite know why when I  
2 copied it and I copied it because I thought we're  
3 having this deposition in December, so why my copy  
4 didn't say Persimmons Capital Partners, got no clue.  
5 I have no clue, but that's where I got it, if you're  
6 asking.

7 MR. STERN: I appreciate it.

8 MR. JORDAN: And then when I searched down, I  
9 found a separate item which indicated that the name  
10 was for sale. And I don't know how they found that.  
11 I just did a quick search on it and I went on "spend  
12 our day" looking for that today, but that's how I did  
13 that.

14 BY MR. JORDAN:

15 Q. When did you first hear of David Boshea?

16 A. When did I first hear of Boshea? I'm not  
17 sure, a long time ago.

18 Q. When did you first get to know him?

19 A. Same answer. A long time ago.

20 Q. Okay.

21 A. Over 20 years.

22 Q. Before Compass, did you ever work in the  
23 same company with David Boshea?

24 A. Before Compass, did I work in the same

1 company? No.

2 Q. Okay. Before Compass -- I sorry. Did  
3 Compass ever provide its services for a company at  
4 which David Boshea worked at before David joined  
5 Compass?

6 A. Can you restate your question?

7 Q. Okay. Well, let's just make it broader.  
8 Did you ever work for a company that provided services  
9 for a company at which David Boshea was working?

10 A. Yes.

11 Q. What company was that?

12 A. Compass Marketing.

13 Q. Okay. And who did Compass Marketing provide  
14 the services to? What company?

15 A. The company was Wyeth Pharmaceuticals.

16 Q. Okay. And what was David Boshea's position  
17 with Wyeth Pharmaceuticals, if you recall?

18 A. I don't recall. He was there a long time,  
19 but he was in sales.

20 Q. Okay. Now at some point David Boshea left  
21 Wyeth. We have established he joined Compass. Do you  
22 know why he left Wyeth?

23 A. I do not know why.

24 Q. Did he leave Wyatt to join Compass?

1           A.     No, but I do need to correct the record,  
2     Greg. I just remembered that we did work for another  
3     company together. The company was HSH Food Sales. I  
4     apologize.

5           Q.     Okay. What was David's position at the food  
6     sales company?

7           A.     Same thing. He was a salesman.

8           Q.     Okay. And what was your position?

9           A.     I was a salesman as well.

10          Q.     Okay. Did you work under David or on the  
11     same level at the food sales company?

12          A.     I wasn't under David, but I wasn't -- I  
13     guess, lateral, but he was more senior; had been there  
14     longer.

15          Q.     Okay. When was that?

16          A.     I don't remember. I think I was in college.

17          Q.     Okay.

18          A.     So that would be in the late eighties or  
19     early nineties.

20          Q.     Okay. Did you keep in touch with David  
21     after you left college before he joined Compass?

22          A.     Yes.

23          Q.     What did you do to keep in touch with David?

24          A.     We kept in touch with each other. We became



1 friends.

2 Q. Okay. Where was David before -- I think  
3 you're right. Where was he before he joined Compass?

4 A. I don't recall exactly. I believe he was  
5 with Energizer.

6 Q. Okay. Is Energizer a company that is --  
7 what did he do at Energizer, if you recall?

8 A. He was a salesman.

9 Q. Okay. Did you perceive that he was pretty  
10 successful at Energizer?

11 A. He was good at sales. Yes.

12 Q. Okay. Did you encourage him to leave  
13 Energizer to join Compass?

14 A. Yes.

15 Q. Well, first off --

16 A. All right, Greg, let me correct. I didn't  
17 encourage him to leave Energizer. I encouraged him to  
18 join Compass, but not to leave Energizer.

19 Q. I do not want you to take any kind of  
20 characterization that you did anything. Even if you  
21 did, it is a few years. So, no, I'm just -- it is not  
22 a characterizing anything against Energizer.

23 So you encouraged David to join Compass. Before  
24 David joined Compass, what, if any, assistance did

1 David provide in helping Compass start doing business?

2 A. I don't recall exactly, but he worked for a  
3 company that became a client that you referred to  
4 earlier. We identified as Wyeth.

5 Q. Okay. What, if any, involvement did David  
6 have in drafting Compass's original business plan?

7 A. None.

8 Q. Okay. What, if anything, did David Boshea  
9 do to help Compass obtain a contract with Wyeth?

10 A. I don't recall exactly.

11 Q. Did he do anything to help get Compass into  
12 the door at Wyeth?

13 A. I'm sure that he did. He worked there.

14 Q. Okay. I've got up on the screen the next  
15 exhibit, which is a 17-page exhibit. It is November  
16 15, 2012, Broker Agreement between Wyeth LLC and  
17 Compass Marketing Agreement. And it is --

18 MR. STERN: Was this document produced in  
19 discovery?

20 MR. JORDAN: I doubt it. I don't think so.

21 MR. STERN: Objection. Relevance, grounds.

22 MR. JORDAN: You know what, noted. Okay. Looking  
23 at page 11, which is the signatures. There is Eric  
24 Fretland (phonetic), Ron Shoen (phonetic, and John

1 White; is that your signature?

2 MR. STERN: I am going to object to the use of  
3 this document. If you think this is relevant to the  
4 litigation, it has not been produced. It's not proper  
5 to be examining the witness on it.

6 MR. JORDAN: No. You know what? I don't control  
7 what documents you asked for. I have no obligation.  
8 I'm presenting at a deposition, and if you didn't ask  
9 for it, that's on you, not on me.

10 BY MR. JORDAN:

11 Q. So anyway, is this your signature, Mr.  
12 White?

13 MR. STERN: (Indiscernible, talk over) a copy of  
14 this agreement since it is something that --

15 MR JORDAN: Is this a speaking objection?

16 MR. STERN: I am just curious. How would you have  
17 had a copy, please?

18 MR. JORDAN: Gosh, I don't know. Maybe David  
19 Boshea had it.

20 BY MR. JORDAN:

21 Q. Is this your signature, Mr. White?

22 MR. STERN: I believe our document requests do ask  
23 you to produce anything that anticipate using this  
24 litigation.

1 MR JORDAN: Okay. Now you see it. Now you see  
2 it. Okay.

3 BY MR. JORDAN:

4 Q. Is that your signature, Mr. White?

5 A. It appears to look like my signature.

6 Q. Okay. Is there any reason to believe it's  
7 not your signature?

8 A. Yes.

9 Q. Why is that?

10 A. Well, because the document is not authentic.

11 Q. Why is it not authentic?

12 A. It appears to have the wrong address in the  
13 beginning of the document.

14 Q. Okay. What is the wrong address at the  
15 beginning of the document?

16 A. It is 222 Severin Avenue.

17 Q. And why is that not authentic?

18 A. I believe that was the address after we were  
19 engaged with Wyeth.

20 Q. Okay. What was your address when you were  
21 engaged with Wyeth?

22 A. It was -- I believe it was 612 Third Street.

23 Q. Okay. And when did -- has Compass ever  
24 maintained offices at 222 Severin Avenue, Suite 200,

1 in Annapolis, Maryland?

2 A. Yes.

3 Q. Okay. And when did it start maintaining its  
4 offices at 222 Severin Avenue, Suite 200, Annapolis,  
5 Maryland?

6 A. I don't know the year.

7 Q. Approximately when was it?

8 A. I'd have to guess, if you'd like me to  
9 guess.

10 Q. Go ahead.

11 A. My guess would be late 2014, '13, something  
12 like that.

13 Q. Okay. Why do you think it was late 2013,  
14 '14?

15 A. Well, I don't. I guessed it. That was my  
16 best guess.

17 Q. Okay. All right. So anyway, now when did  
18 Compass first start doing business with Wyeth?

19 A. I believe it was in 2000.

20 Q. Okay.

21 A. Around that time.

22 Q. Okay. I am showing you what's been marked  
23 as Exhibit 7. It's a two-page -- it is a one-page  
24 document. Excuse me. It says subject, RE: 4-1,

1 follow. Date for 4/1/2007. 7:38:58 p.m. From  
2 jwhite@compassmarketinginc.com to golf4me36@aol.com  
3 and do you know who golf4me36@aol.com would be?

4 A. I assume that is David Boshea.

5 Q. Okay. And we have already established, I  
6 think, that jwhite@compassmarketinginc.com is your  
7 email address -- was your email address in 2007; is  
8 that correct?

9 A. I believe so.

10 Q. Okay. And it says: Dave, I know you very,  
11 very well and have been waiting a long time to be able  
12 to work beside you again. I miss all those years of  
13 both fun and getting big things done, from working  
14 with Larry, Sash, Marty, to McCready, to Sam. Do you  
15 see that?

16 A. I do see that.

17 Q. Who's Larry?

18 A. I don't know.

19 Q. Who's Marty?

20 A. I don't know.

21 Q. Who's McCready?

22 A. I don't know.

23 Q. Who's Sam?

24 A. I don't know.

1 Q. Okay. I can't wait to do this. I think we  
2 will have a ton of fun and make lots of money. I  
3 agree they should work under you, but you should be  
4 certain that they are on board with that. I'd be most  
5 worried about Jim or Arnie, but you will have to  
6 measure that. Do you know Jim or Arnie are?

7 A. I do not.

8 Q. Okay. It says: Also, you and I need to  
9 make sure we discuss an exit plan for you, even  
10 separate from me selling Compass. Do you recall  
11 writing that?

12 A. I do not recall this email from -- an email  
13 from 2007.

14 Q. Is there any reason for you to believe you  
15 didn't send this email?

16 A. I'm not sure that this is an email or that  
17 it's authentic.

18 Q. That's a whole different question. The fact  
19 that you don't know, is there any reason to think that  
20 it's not an email you sent or that is not authentic?

21 MR. STERN: Objection, form.

22 BY THE WITNESS:

23 A. Yes.

24 Q. Okay. What is that?

1 A. It's possible that it's not authentic.

2 Q. It's possible that I could grow a full head  
3 of hair. Why is it -- what reason, if any, do you  
4 have to believe it's not authentic?

5 MR. STERN: Greg, please with the commentary.  
6 Just please ask the questions.

7 BY MR. JORDAN:

8 Q. Can you answer the question?

9 A. Yeah, it doesn't look like it's copied to  
10 anyone. I can't see the bottom of it, but --

11 Q. We will get to that. We will get to that.  
12 I am just talking about this email.

13 A. It looks like it is only part of a  
14 communication chain.

15 Q. Okay. Other than the fact that it is not  
16 copied to someone, or anyone, and that it is a part of  
17 a communication chain, is there any other reason for  
18 you to believe that you didn't send this email?

19 A. I didn't say that, but I said it -- I  
20 believe it may not be authentic.

21 Q. Okay. Is there any reason for you to  
22 believe you didn't send this email?

23 MR. GARTEN: So I just want to know if Mr. White  
24 needs more time to read the rest of the email just so



1 that it --

2 MR. JORDAN: Sure. Here, read the whole thing.

3 BY MR. JORDAN:

4 Q. We need to respect that we are friends and  
5 that working together could possibly hurt our  
6 relationship. (Has not happened before, but I was  
7 always working for you!!!!) I just wanted to find  
8 expectations up front, so we limit the chances of  
9 getting on to different tracks. But I want us both to  
10 agree how we can spit if we need to so we can be  
11 certain to save our -- misspelling of "friendship".

12 Let's you and I plan on spending some time  
13 together. Dan may be coming out with me on Sunday  
14 (just for the night.) If you want to meet and discuss  
15 anything with him, I can handle it. And we now have a  
16 fulltime general counsel so we can write it all up to  
17 protect you and clarify everything. I'll be real  
18 careful to both protect our friendship and your  
19 family.

20 Again, you may want to start parttime until you  
21 feel secure on the revenue side. Let's discuss this  
22 weekend. Can't wait to get started! John. P.S. I  
23 want to see pictures of the vacation. And then it  
24 says: John White, Chairman, CEO, Compass Marketing

1 Inc. with a Compass Marketing URL. And then under  
2 that there's an email. Just make sure that, you know,  
3 we see everything here.

4 It says, it's from golf4me36@aol.com dot to  
5 jwhite@compassmarketinginc.com sent Sunday, April 1,  
6 2007, 7:02 p.m., subject 4-1 Follow. JW: Hope all is  
7 great. I left you a "V" message today. I feel like I  
8 am caught up on things. Let me know when you're in  
9 Chicago, and I will set things up. (ellipsis) We leave  
10 Friday for Easter in Michigan, I suppose that is, and  
11 back on Sunday night. I agree on your two points.

12 One, you/you and me need to meet with Arnie, Arnie  
13 is in bold, and get him sized up and tied into the  
14 (indiscernible) profession. Two, yes, we need to set  
15 me up separately from Jim/Ed. They really didn't know  
16 where to start on their proposal and figured that they  
17 would report to me, and I would be worked into what  
18 sales they bring in (ellipsis).

19 It was starting just -- I'm sorry. It was just a  
20 starting point in this process. I was pushing them to  
21 keep moving forward and get something to you like you  
22 wanted. I do think they should report to me, but  
23 that's up to you. Let's try to talk tomorrow. I  
24 would like to get your thoughts and direction on

1 everything. You know me well (ellipsis). I have been  
2 doing a lot of thinking and worrying. I am positive  
3 and excited about everything. Best, DB. And then  
4 it's got a little thing on the bottom where it shows  
5 where it's printed, Sunday, April 1, 2007, America On  
6 Line, golf4me36.

7 So going back up to the first portion of the  
8 email, and I guess my question for you is, do you  
9 recall -- other than we've already discussed what you  
10 said about not copying anybody on it. And that I'm not  
11 sure. What was the other thing that you said? You  
12 questioned the authenticity, Mr. White?

13 A. Well, it has misspellings in it.

14 Q. Okay. Other than misspellings, back in  
15 2000, do you generally use a spell checker on your  
16 emails?

17 A. I don't recall from 2007 how I addressed my  
18 emails, but I usually spell the word "friendship"  
19 correctly.

20 Q. Okay. Other than those things, I guess, is  
21 there any reason for you to believe you didn't send  
22 this email?

23 A. It's possible, but this is not authentic.

24 Q. I understand that. My question is a

1 different one. Is there any reason for you to believe  
2 you didn't send the email?

3 A. Yes.

4 Q. Okay. And why is that?

5 A. I don't accept that it is an email. It's a  
6 copy of something. It's got misspellings in it.

7 Q. Okay.

8 A. And my emails were breached by Michael  
9 White.

10 Q. Uh-hum.

11 A. This appears to be related to the employment  
12 of David Boshea.

13 Q. Right.

14 A. Like I admitted padding. And the golf4me,  
15 the David Boshea address, is someone who forged my  
16 name.

17 Q. Okay. Other than that --

18 A. The reason why --

19 Q. Is there a reason for you to believe that  
20 you didn't send this email on the date and time it  
21 shows?

22 A. I didn't say I didn't send it.

23 Q. Okay. You just don't know if you sent it?

24 A. I don't know if this is authentic.

1 Q. Okay. That's a different question. You've  
2 already talked about that. Is there any reason for  
3 you to believe you didn't send this email?

4 A. Yes.

5 Q. Okay. And that's just because of the  
6 authenticity questions that you said?

7 A. Because I don't agree that it's an email  
8 that was sent to anyone.

9 Q. Okay.

10 A. And it doesn't appear to be authentic.

11 Q. Okay.

12 A. And it is from somebody who forged my name.

13 Q. Okay.

14 A. And assumed it.

15 Q. Okay. And so did you ever discuss an exit  
16 plan with David Boshea?

17 A. I have answered. I don't recall any  
18 conversations in 2007 about this employee.

19 Q. Okay. Is there anything to help you recall  
20 whether you discussed an exit plan with David Boshea?

21 A. I can't think of anything.

22 Q. Okay, terrific. In the email, they talk  
23 about --

24 MR. GARTEN: Take a minute break, please?

1 MR. JORDAN: Why don't you take five minutes?

2 MR. GARTEN: Okay, thank you.

3 (A short break was taken.)

4 MR. REPORTER: We are off the record at 2:10 p.m.

5 MR. REPORTER: We are on the record at 2:19 p.m.

6 Central Time.

7 BY MR. JORDAN:

8 Q. So, Mr. White, if you recall, I was asking  
9 you questions before about the shareholders and the  
10 officers, and now we can talk about why at least I  
11 view it was important, right? All right. So it says  
12 here -- I brought up Exhibit 7, again. And it says --  
13 it says: Let's you and I plan on spending some time  
14 together. Dan may be coming out with me on Sunday  
15 (just for the night).

16 MR. GARTEN: Hold on a second. Greg, David is  
17 holding up his phone and it sounds like -- it looks  
18 like someone is on the line. And we agreed that's not  
19 the case?

20 MR. JORDAN: No. He is probably talking to  
21 somebody on the telephone. I don't know, David, are  
22 you talking to somebody?

23 MR. GARTEN: He is holding his phone up to his  
24 computer. And it looks like he is on the phone with

1 someone.

2 MR. JORDAN: He probably is, I don't know, I can't  
3 see it because I have this screen share here.

4 MR. BOSHEA: Hey, Greg?

5 MR. JORDAN: David, are you on the phone with  
6 somebody else?

7 MR. BOSHEA: I was on the phone. I am conducting  
8 business. It has nothing to do with this.

9 MR. JORDAN: All right. Just turn your microphone  
10 and your camera off and conduct your business.

11 MR. BOSHEA: All right. I am cool. That's cool.

12 MR. GARTEN: It is Alan Garten, again, Greg.  
13 Please instruct Mr. Boshea that this is a confidential  
14 proceeding, and he should not be, you know, a port  
15 audio. He should not have any friends on audio  
16 listening to this deposition.

17 MR. JORDAN: Who said he was? I don't know that  
18 it is confidential.

19 MR. BOSHEA: I was conducting business.

20 MR. JORDAN: He is conducting business. We just  
21 got off a break. I think you guys are making a  
22 mountain out of a molehill here.

23 MR. STERN: He is conducting business and he is  
24 holding the phone towards the camera for the device

1 that he is on as if to hear what is going --  
2 transpiring in this deposition. That's what it looks  
3 like to me.

4 MR. BOSHEA: I am sorry for that. It was a flaw  
5 on my part. I am sorry.

6 MR. JORDAN: David, turn your microphone off. Try  
7 to stay off the phone. This is all off the record.

8 (A short break was taken.)

9 MR. JORDAN: Again, let's go back on the record.

10 BY MR. JORDAN:

11 Q. So it says here that Dan may be coming out  
12 with me on Sunday just for the night, if you want to  
13 meet or discuss anything with him. Who is Dan?

14 A. I don't know who Dan is.

15 Q. All right. Do you have a brother named Dan?

16 A. I do.

17 Q. Okay. Could it been that Dan White was  
18 coming out with you on Sunday to meet with David  
19 Boshea?

20 A. I don't know what this document is. I don't  
21 really understand your question.

22 Q. Okay. Did Dan White have any say on hiring  
23 decisions in 2007?

24 A. No.



1 Q. As an officer, director, shareholder, or any  
2 other capacity?

3 A. No, I held that myself.

4 Q. Okay. All right. The email mentioned that  
5 you have a general counsel, was that Dan White, or  
6 somebody else?

7 MR. GARTEN: At what time, Greg, what email?

8 MR. JORDAN: April 1, 2007.

9 THE WITNESS: Bring the email back up, please?

10 MR. JORDAN: Sure.

11 BY MR. JORDAN:

12 Q. I have highlighted the portion of the email  
13 that talks about the fulltime general counsel. Was  
14 that Dan White or somebody else?

15 A. What's the question?

16 Q. Did Compass have a general counsel in 2007?

17 A. I believe that we did, but I don't recall  
18 that particular date, but I believe we did, yes.

19 Q. And was that Dan White or someone else?

20 A. Daniel White was an attorney for the  
21 company, but we had a general counsel named Lawrence  
22 Scott.

23 Q. Okay. Who is Lawrence Scott?

24 A. He was the general counsel for Compass

1 Marketing at the time.

2 Q. Okay. And would he have drafted up  
3 employment agreements?

4 A. He may have.

5 Q. Okay.

6 A. He should have.

7 Q. Okay.

8 A. He was definitely copied on any offers that  
9 were made.

10 Q. Okay. All right, I have up on the screen,  
11 J. White Exhibit 8, which is a two-page document. It  
12 has some sort of a logo on the top. Do you recognize  
13 the logo?

14 A. I do not.

15 (Exhibit 8 was displayed.)

16 BY MR. JORDAN:

17 Q. Okay. Do you know whether --

18 A. It says Compass Marketing I can read that,  
19 and it appears to be a logo.

20 Q. Did Compass Marketing have a logo and its  
21 name on letterhead back in the day? Back in 2007?

22 A. Yes.

23 Q. Was it similar to the logo on top of this  
24 letter? If you recall?

1 A. I don't recall.

2 Q. Okay. And this is a document dated May 16,  
3 2007. Okay.

4 MR. GARTEN: That was a seven on my screen. Does  
5 anybody else see that wrapped around --

6 MR. JORDAN: Yes.

7 MR. GARTEN: I got it.

8 MR. JORDAN: It's wrapped around.

9 MR. GARTEN: All right.

10 BY MR. JORDAN:

11 Q. And this is -- we will go over it in detail,  
12 but it's a two-page document. It appears to be  
13 unsigned. It has your name on the bottom of the  
14 second page. All right. And it says: This letter  
15 will confirm our preliminary offer for you to consider  
16 employment at Compass Marketing. To assume the  
17 position of senior account executive, we offer you a  
18 salary of \$180,000 per year. Okay. When David Boshea  
19 joined Compass Marketing, what was his position?

20 A. He was a salesman.

21 Q. Was he a senior account executive or account  
22 executive?

23 A. I don't recall, just 2007.

24 Q. Is there anything I can assist you in

1 recalling his position at the time?

2 A. Well, if I had access to emails, that might  
3 help.

4 Q. Anything else?

5 A. I had notes either his or mine at the time,  
6 that might help.

7 Q. Do you have notes of his or yours at the  
8 time?

9 A. I don't believe so.

10 Q. Okay. Is there any reason for you to  
11 believe his position when he joined was not senior  
12 account executive?

13 A. I don't.

14 Q. Okay. Was his initial salary \$180,000 per  
15 year?

16 A. I don't recall. This was 15 years ago.

17 Q. Is there anything you could assist you in  
18 recalling?

19 A. Same thing. Notes, discussions with others  
20 like jar my memory or emails.

21 Q. Who would you speak with to help you recall  
22 that?

23 A. But probably our payroll folks that have the  
24 records.

1 Q. Okay. Would that have been in his  
2 employment file that was produced in the case?

3 A. No, that file was padded by Michael White.  
4 He admitted that.

5 Q. So his title would not be in his employment  
6 file?

7 A. No. I'm saying his input is employment file  
8 was, in fact, fabricated and added by Michael White.

9 Q. Okay. So my question is a different one.  
10 Would there be something indicating his title in his  
11 employment file?

12 A. No. His employment file itself is not  
13 authentic.

14 Q. Okay.

15 A. It was --

16 Q. So the documents that you guys produced in  
17 the case are not authentic? Is that what you're  
18 saying?

19 A. Possibly. Correct.

20 Q. Okay. And your basis for that is Michael  
21 White's testimony. Any other basis?

22 A. Yes.

23 Q. What else?

24 A. Yes, the other basis is David Boshea's

1     forgery of my signature.

2           Q.     Okay.  What was that document in his  
3     employment file?

4           A.     I don't believe it was.  I believe it's  
5     produced by you.

6           Q.     Okay.  And then it says:  Additionally, an  
7     undefined bonus based on corporate and personal  
8     performance will be possible each year.  Was that a  
9     term of David Boucher's employment when he joined  
10    Compass Marketing?

11          A.     Ask that, again, please.

12          Q.     The sentence about the undefined bonus based  
13    on corporate and personal performance, was that a term  
14    of David Boshea's employment when he joined Compass  
15    Marketing?

16          A.     I don't recall in 2007, 15 years ago.

17          Q.     Is there anything in this issue you were  
18    recalling?

19          A.     Yes, the emails that I don't have access to,  
20    some conversations with individuals, and or any notes  
21    that David or myself would have had from that time  
22    period.

23          Q.     But you don't have the emails or the notes,  
24    correct?

1 A. Correct. I answered that.

2 Q. And the people that you would speak with,  
3 who would have been at Compass Marketing in May of  
4 2007 that could help you remember the terms of his  
5 employment?

6 A. David Boshea, himself would.

7 Q. Who else, other than David Boshea, would  
8 have knowledge? Not somebody who could look at a piece  
9 of paper because you're telling me that the paper is  
10 unreliable. Is there anybody else who was employed or  
11 otherwise knew about the terms of David Boshea's  
12 employment, other than you and David Boshea, that you  
13 can identify?

14 A. Yes, it would be Lawrence Scott, the general  
15 counsel of the company.

16 Q. Okay. And Lawrence Scott would know that  
17 terms of David Boshea's employment?

18 A. He likely drafted the terms, and I would  
19 have been copied on any emails regarding the offer  
20 itself.

21 Q. Okay. When is the last time you spoke with  
22 Mr. Scott?

23 A. It's been a long time, five years, I think.  
24 Maybe longer.

1 Q. Okay. Was he the general counsel until five  
2 years ago at Compass?

3 A. No.

4 Q. Okay.

5 A. Daniel White was.

6 Q. Okay. Daniel White was what?

7 A. He was the general counsel at Compass.

8 Q. When?

9 A. Until he was terminated.

10 Q. Okay.

11 A. November, I believe it was November 2018.

12 Q. Okay. So what period of time -- just trying  
13 to understand your answer, here, was -- when, if ever,  
14 was Lawrence Scott, the general counsel of Compass?

15 A. Well, he was the general counsel during this  
16 period in 2007, and for a short duration afterwards.

17 Q. Okay. And it says: Additionally, we all  
18 include health insurance, a \$500 car allowance, 401K,  
19 home office expenses, laptop, copy machine, and  
20 reimbursement of all business related travel. Was  
21 that a term of Dave Boshea's employment when he joined  
22 Compass?

23 A. I have answered. I don't recall the terms  
24 of David Boucher's agreement.



1 Q. Okay. And other than the emails and notes  
2 that you don't have, is there anybody who was working  
3 at Compass at the time who would know those terms?

4 A. Ye.

5 Q. And that would be Lawrence Scott?

6 A. And David Boshea.

7 Q. Okay. And other than Lawrence Scott and  
8 David Boshea, was there anyone else you can identify  
9 who would know the terms?

10 A. I can't.

11 Q. Okay. And it says: You will be granted two  
12 weeks' vacation in 2007, and three weeks in 2008.  
13 Were those the agreed terms of David Boshea's  
14 compensation when he joined Compass?

15 A. Again, I don't recall from 2007, 15 years  
16 ago.

17 Q. Okay. In exchange for your execution of our  
18 company, non-compete and non-disclosure, we will offer  
19 a "involuntary exit package", of three times your  
20 salary, and one year will be immediately vested with  
21 additional two years accrued over the next three  
22 years. Was that a term of David Boshea's employment  
23 when he joined Compass?

24 A. I apologize. I thought I have answered this

1 question. I don't recall any of the terms of the  
2 agreement with David Boshea, 15 years ago.

3 Q. Okay.

4 A. Including hospital.

5 Q. Okay. And other than looking at the emails  
6 and notes that you don't have, and talking with  
7 Lawrence Scott or David Boshea, there's nothing there  
8 to refresh your recollection; is that correct?

9 A. I can't think of anything else right now.

10 Q. Okay. And it says: This is this will cover  
11 any involuntary termination from the company other  
12 than for cause. Oops. And then the next paragraph  
13 says: Additionally, 100 percent of your business  
14 related membership fees at White Eagle Golf Course  
15 will be reimbursed for a total of \$32,000 over three  
16 years, \$12,000 upfront and \$10,000 fees, December.  
17 Did Compass reimburse David Boshea \$12,000 upfront,  
18 and the other \$22,000 referenced in this paragraph?

19 A. I don't know.

20 Q. Did you ever know?

21 A. I'm sure I did 15 years ago, yes.

22 Q. Did you recall that Compass agreed to pay  
23 the membership fees at White Eagle Golf Course for  
24 David Boshea?

1 A. I do not recall that.

2 Q. Okay. Is there anything that can assist you  
3 in recalling whether Compass paid the White Eagle Golf  
4 Course membership fees?

5 A. Yes.

6 Q. What?

7 A. Records from White Eagle receiving those  
8 payments.

9 Q. Okay. Would the payroll records refresh  
10 your recollection, showing payments for David Boshea  
11 for the membership fees?

12 A. No. that would not --

13 Q. That would not?

14 A. That would not have gone through payroll. I  
15 hope not.

16 Q. Okay. Okay. It says: Upon acceptance of  
17 this letter of intent, I will send you full employment  
18 agreement for your consideration. Call me with any  
19 questions. Best regards, and then it says, John  
20 White. Now, do you remember sending this letter to  
21 David Boshea on or about May 16, 2007?

22 A. I did not send this letter.

23 Q. How do you know you did not send this  
24 letter?

1 A. Because it's not authentic.

2 Q. And why do you say that?

3 A. It doesn't have my signature on it.

4 Q. Okay. If it doesn't have your -- what is  
5 the significance of the fact that it doesn't have his  
6 signature on it have to do with its authenticity?

7 A. It's only one of the things.

8 Q. I'm sorry.

9 A. It's only one of the reasons I am certain  
10 it's not authentic.

11 Q. What is the other reason you are certain  
12 it's not authentic?

13 A. It does not copy the general counsel, who  
14 would have drafted the letter, Lawrence Scott. And  
15 the date, as you can see, is not accurate, clear.  
16 It's not in final form.

17 Q. Okay.

18 A. And it includes terms that we would not have  
19 agreed to.

20 Q. Okay. Now, I am going to show you a  
21 document that is entitled Compass Marketing Bank  
22 Agreement Relating to Employment and Post-Employment  
23 Compensation. And it's an agreement between the  
24 undersigned, individual employee, and Compass

1 Marketing --

2 MR. STERN: Shouldn't it say the compensation?

3 MR. JORDAN: I'm sorry. Excuse me.

4 MR. STERN: Post-employment competition.

5 MR. JORDAN: All right. Post-employment  
6 competition. Thank you, Stephen.

7 BY MR. JORDAN:

8 Q. And this is a five-page document. Okay.  
9 We'll go through it. But on the bottom of the  
10 document, it has the signature. It's a date written  
11 in 5/2/07, and signature for John Adams. Okay. And  
12 this is a document that has initials on the bottom of  
13 it, and it was produced -- it has the marks CM-0355 to  
14 0359 on the bottom of each page because this is a  
15 document that Compass produced in the discovery.  
16 Okay.

17 Do you recall John Adams and Compass agreeing to  
18 this employment agreement?

19 A. I do not recall.

20 Q. Okay. And I note that that it doesn't bear  
21 your signature on it. Do you know why a document, a  
22 contract, Compass Marketing, Inc. had with its  
23 employee, John Adams, would have -- would not bear  
24 your signature?

1           A.     Yes, if it is not authentic, that would be  
2 why.

3           Q.     Okay. So it is your position that this  
4 document is not authentic?

5           A.     Yes.

6           Q.     Okay. Because you wouldn't have sent out a  
7 document that you would have not signed?

8           A.     That's only one of the reasons.

9           Q.     What other reason would there be?

10          A.     The other reason is that there are five  
11 separate copies of this agreement. We disclosed those  
12 to you that were inside the file, his employment file  
13 that Michael White admitted he padded.

14          Q.     Okay.

15          A.     Because there is another version with the  
16 identical signature without his initials in the bottom  
17 right hand corner. Again, you have copies of those.  
18 We have disclosed those to you. And you have not  
19 turned over the sixth -- the sixth set of copies, of  
20 drafts of this agreement that you sent with John Adams  
21 subpoena when you served him.

22          Q.     Okay. So your position is that John Adams'  
23 contract that Compass Marketing produced in the  
24 lawsuit is not authentic. Does John Adams have an

1 employment contract?

2 A. One question, please, Greg. What's your  
3 question?

4 Q. Okay. First off, does John Adams have an  
5 employment contract with Compass?

6 A. Yes.

7 Q. Okay. Stephen, have you guys produced John  
8 Adams --

9 MR. STERN: We produced everything that we have in  
10 his file.

11 BY THE WITNESS:

12 A. Yes.

13 Q. Okay.

14 A. It I dated from 2015.

15 Q. Okay.

16 A. It is dated; do you see.

17 Q. Okay.

18 A. It is the same agreement --

19 Q. I am talking about when John Adams signed --  
20 signed on, joined Compass, okay, you are saying that  
21 John -- this document that Compass produced --

22 A. You already asked me.

23 MR. STERN: Let him finish his question.

24 THE WITNESS: I know.

1 BY MR. JORDAN:

2 Q. All right. Let me start again. All right.  
3 So when John Adams signed on in 2007, on or about May  
4 2nd, 2007, you're saying that J. White Exhibit 9 is  
5 not authentic; is that right?

6 A. I am saying that this document that you're  
7 presenting is not authentic, correct.

8 Q. Okay. And the reason for that is what?

9 A. And the reason it is not authentic is  
10 because there are five separate copies of this  
11 agreement that are each different. They're inside of a  
12 file folder that was in Michael White's office that he  
13 admitted under oath that he padded. There are  
14 additional versions that don't have John Adams'  
15 initials in the bottom right hand corner. And because  
16 a sixth draft of this agreement you have not produced,  
17 even though you attached it with the subpoena to John  
18 Adams himself.

19 Q. Okay.

20 A. But there is a reason why I can't say that -  
21 - and lastly that I didn't sign it. That is why this  
22 is not authentic.

23 Q. Okay.

24 MR. JORDAN: Stephen, have you produced all those



1 versions of John Adams' agreement because I don't  
2 believe you have.

3 MR. STERN: We've produced everything that we were  
4 able to locate and identify his file. And all the  
5 copies are out there. I mean, if there is anything  
6 that's missing from that, let me know, but I am pretty  
7 confident -- I am very confident that we produced all  
8 those.

9 MR. JORDAN: Okay. you know, just that just to  
10 square the circle, why don't you just send me all of  
11 them again? All the John Adams' 2007 contracts?

12 MR. STERN: I cannot do that right now.

13 MR. JORDAN: No, that's fine.

14 BY MR. JORDAN:

15 Q. Did John Adams' "valid contract" include a  
16 severance term?

17 A. No. It was identical to the Boshea contract  
18 that you brought up before from 2015.

19 Q. (Indiscernible, talk over).

20 A. (Indiscernible, talk over) same points. He  
21 was one of the employees that reduced, modified his  
22 agreement in September of 2015.

23 Q. Okay. So John Adams received the same  
24 severance package that David Boshea claims he

1 received; is that what you're saying?

2 A. No, it's not a severance. I said -- what I  
3 said was in September 2015 --

4 Q. No, no, hold on. Hold on, hold on, hold on.

5 A. I am not finished.

6 Q. I don't think we're talking -- we're not  
7 communicating. Mr. White. I'm not interested in what  
8 happened with John Adams in 2015. Okay. I'm only  
9 interested in what happened with John Adams in 2007.

10 A. (Indiscernible, talk over).

11 Q. So focus like a laser beam on 2007. In  
12 2007, I have page 3 of 6, of John Adams agreement up  
13 here. Article 6 says: Severance terms, Paragraph A.  
14 Were these the severance terms that were provided to  
15 John Adams in 2007, without regard to whether they  
16 were ever changed, okay, were these the severance  
17 terms that were provided to John Adams in 2007 or not?

18 MR. GARTEN: Read it first.

19 THE WITNESS: Mr. Jordan, I am going to read this,  
20 and then I would ask, again --

21 MR. JORDAN: I have highlighted it on the screen  
22 so that you can do exactly that.

23 MR. STERN: Let him read it.

24 MR. GARTEN: Give him a minute.

1 THE WITNESS: And I would ask Mr. Jordan to please  
2 stop interrupting me in my answers. You asked  
3 specifically about John Adams --

4 MR. JORDAN: Mr. White, if you can just read  
5 Paragraph A, it will go a lot better.

6 THE WITNESS: I would prefer to answer your  
7 questions.

8 MR. JORDAN: I would prefer if you read Paragraph  
9 A because your counsel said to read it, so read  
10 Paragraph A.

11 THE WITNESS: That's not what he said.

12 MR. JORDAN: All right, I want you to read  
13 Paragraph A, anyway.

14 THE WITNESS: And I would like you to stop  
15 harassing me and stop speaking over my answers.

16 MR. JORDAN: All right. I will do my level best.

17 THE WITNESS: Just please stop harassing me.

18 MR. GARTEN: One at a time. Right now, let Mr.  
19 White just read this provision and then you can ask  
20 your question.

21 THE WITNESS: Okay.

22 BY MR. JORDAN:

23 Q. Article 6, Paragraph A, are these the  
24 severance terms that Compass provided to John Adams in

1 2007?

2 A. It's possible.

3 Q. Okay. When you say, "it's possible", what  
4 do you mean by that?

5 A. Well, there was intent, I believe, to offer  
6 him that severance, but I'm not sure that that was  
7 ever finalized because I didn't sign that contract and  
8 this document is not authentic.

9 Q. Okay. When you say you're not sure it was  
10 ever finalized, do you know whether it was finalized  
11 or not, or you just don't recall?

12 A. I'm not -- I don't recall it, and there is  
13 no document with my signature on it. So I'm not sure  
14 we ever finalized the contract.

15 Q. Okay. Now, who is John Adams?

16 A. John Adams is a salesman at Compass.

17 Q. Okay. What was John Adams' position with  
18 Compass when he joined Compass?

19 A. He was hired -- he was the vice president of  
20 sales of a company, I can't remember the name of the  
21 company. It was 15 years ago.

22 Q. No, no, at Compass, what was his position?

23 A. I don't recall. I don't remember.

24 Q. Okay.

1 A. He was in sales, but I don't remember.

2 Q. Did Compass have a formal or informal  
3 organizational chart?

4 A. I think it did.

5 Q. Okay.

6 MR. GARTEN: 2007?

7 MR. JORDAN: In 2007. 2007, right.

8 BY MR. JORDAN:

9 Q. Would John Adams had been at the same level  
10 as David Boshea, higher or lower on the organizational  
11 chart, whether formal or informal?

12 A. I don't recall. I think they were both  
13 salesmen, but I don't recall.

14 Q. Okay. Now I will tell you at John Adams'  
15 deposition, I asked him, how is it that it came about  
16 that you had a written employment agreement? Did you  
17 ask for one? Answer: It was a question. I'm sorry.  
18 And then the answer was: It was a condition of  
19 employment. Was it a condition of employment that  
20 John Adams had a written employment agreement?

21 A. I told you, I don't recall 2007, 15 years  
22 ago, what the condition of employment or what the  
23 employment agreement was. Could you pull up the  
24 transcripts that you're referring to right now?

1 Q. No.

2 A. That would be helpful.

3 Q. So --

4 A. Is that a "no", I guess?

5 Q. Right, yes.

6 A. Okay.

7 Q. According to John Adams, David Boshea was in  
8 the second tier or maybe the third tier at Compass.  
9 You were in the first tier, and maybe Mike White was  
10 in the second tier. And David Boshea and the other  
11 group vice presidents were in the third tier. Would  
12 you agree with Mr. Adams' statement?

13 A. I don't know what his statement was. I  
14 can't see it. I see your recollection of it. And you  
15 are again testifying to evidence that I can't review.  
16 Can I please review John Adams statements that you're  
17 alleging?

18 Q. No. No you can't.

19 A. You want me to comment on your --

20 Q. You don't get to ask questions. You don't  
21 make suggestions. I get to take the deposition. You  
22 get to answer the questions. That's how it works. So  
23 according to John Adams, David Boshea was in the  
24 second tier or maybe the third tier at Compass, right?

1 You, John White, were in the first tier and maybe Mike  
2 White in the second tier and David Boshea and the  
3 other group vice presidents in the third tier. Now,  
4 whether he is right, while we are indifferent, would  
5 you agree with that statement.

6 A. I don't even understand it.

7 Q. Okay. Let me say it again.

8 A. You are generalizing some testimony that  
9 John Adams had, but you refused to produce it. And  
10 you want me to concur with you your generalization of  
11 that?

12 Q. I am just trying to understand your  
13 knowledge, Mr. White.

14 A. And I am trying to understand your question.  
15 I really am. (Indiscernible, talk over).

16 Q. Okay. Let me talk slowly so you understand  
17 it. According to John Adams, David Boshea was in the  
18 second tier or maybe the third tier at Compass. You,  
19 John White, were in the first tier and maybe Mike  
20 White in the second tier. And David Boshea and the  
21 other group vice presidents, in the third tier. Would  
22 you agree with that?

23 A. I don't know that that's what John Adams  
24 said.

1 Q. It doesn't matter whether he said it or not,  
2 would you agree with it?

3 A. Say it again. What am I agreeing to?

4 Q. David Boshea was in the second tier or maybe  
5 the third tier at Compass. John White, you, were in  
6 the first tier and maybe Mike White in the second  
7 tier. And David Boshea and other group vice  
8 presidents in the third tier. Would you agree with  
9 that?

10 A. No.

11 Q. Why not?

12 A. Well, first, I don't recall it, but it  
13 doesn't sound descriptive of tiers. We don't have  
14 tiers.

15 Q. Okay. And then John Adams said that he was  
16 in the fourth or at least a lower tier than David  
17 Boshea. Would you agree with that?

18 A. No. Again, we don't have tiers.

19 Q. Okay. Would you agree that David Boshea  
20 informally was at a higher level in sales than John  
21 Adams when they joined the company?

22 A. I don't recall, but the answer is no.

23 Q. Okay. When you say you don't recall and the  
24 answer is no, what do you mean?



1           A.    I don't recall this specific time period,  
2   but I know that we didn't have tiers or levels that  
3   you're describing when hired.

4           Q.    Okay.  Were some salesmen more valuable than  
5   other salesmen when you hired them, in your  
6   estimation?

7           A.    More valuable?  Certainly.

8           Q.    Okay.  And I think you've already said David  
9   Boshea was good at sales, right, you knew that?

10          A.    He was good at sales, yes.  As was John  
11   Adams.

12          Q.    Okay.  What experience did you have with  
13   John Adams before you hired him?

14          A.    I didn't have any experience with John  
15   Adams.

16          Q.    Where did John Adams work before he came to  
17   Compass, if you recall?

18          A.    I've answered.  I don't recall that.

19          Q.    Okay.

20          A.    He was the vice president of sales of a  
21   company.  I can't remember the name.

22          Q.    I am showing you what is marked as J. White  
23   Exhibit 10, which is an eight-page document.  And I  
24   provided to your counsel the original emails that I

1 believe we got from one of the White brothers. This  
2 is an email from jwhite@compassmarketinginc.com which  
3 I think you've identified was your email previously,  
4 correct?

5 A. That is the same address as my email  
6 address, right.

7 (Exhibit 10 was presented.)

8 BY MR. JORDAN:

9 Q. And to golf4me36@aol.com, that's David  
10 Boshea's -- was in 2007, is AOL email, correct?

11 A. I believe that that's correct.

12 Q. Okay. It says, subject, your agreement is  
13 attached, not signed off by RGC, and then BU should NE  
14 tomorrow. So I presume not signed up by RGC but  
15 should be tomorrow. Do you see that?

16 A. I can see what you're referring to.

17 Q. Okay. And then the date is Tuesday, 22 May  
18 2007, 1:24:33 at 0400 Greenwich Mean Time. And it  
19 says: Send me Arnie's full name and address as well  
20 as Jim's. Thanks, John. John White, Chairman, CEO.  
21 And then the second page is just the continuation of  
22 your email address. And the third page is a --

23 A. Please, can you go back to the second page?

24 Q. Hold on. Okay. It says: Compass

1 Marketing, Inc. <http://www.compassmarketinginc.com>.

2 Is there anything significant to you about that?

3 A. Yes.

4 Q. What is that?

5 A. It is pretty far away from the signature,  
6 where the signature should be.

7 Q. Anything else?

8 A. Some of the emails have ACTP, some of them  
9 don't, but nothing other than that.

10 Q. Okay. And then there's a document, it just  
11 the draft apparently was referred to, and it has the  
12 title on it, Compass Marketing Inc. Agreement relating  
13 to Employment and Post-Employment Competition. It  
14 says: This agreement is between the David John Boshea  
15 residing at 4839 Clearwater Lane, Naperville, Illinois  
16 60564 Employee and Compass Marketing Inc., parent  
17 "Compass" having a place of business at 612 Third  
18 Street, Annapolis. What is 612 Third Street,  
19 Annapolis, by the way?

20 A. That's the address we referred to earlier  
21 that you had incorrectly in the Wyeth document you  
22 presented.

23 Q. Okay. Do you know why it says 612 Third  
24 street on this document?

1           A.    I don't know what this document is, so I  
2 couldn't possibly know why it would have that address.

3           Q.    Okay. And this is apparently a draft of  
4 some document, and it includes Article 6, severance.  
5 Do you recall sending the email to David Boshea  
6 attaching this document?

7           A.    I did not do that.

8           Q.    How do you know you did not do that?

9           A.    So first off, it's not signed. Second, the  
10 address is not copied to the general counsel, Lawrence  
11 Scott, who would have been copied on this.

12          Q.    Okay.

13          A.    And it's not a copied to Daniel White's work  
14 address, I'm assuming, if he produced this.

15          Q.    Okay. Anything else?

16          A.    As I recall, it is from -- to his personal  
17 email address, not his work e-mail address.

18          Q.    Okay. Anything else?

19          A.    And it's -- yes, one more thing. It's  
20 almost identical to the document that David Boshea  
21 produced, in which he forged my signature.

22          Q.    Okay. And anything else?

23          A.    I have only had a second to look at it, but  
24 the NE, misspelling again, somebody is misspelling in

1 the header of the email address.

2 Q. And BU is also misspelled.

3 A. Yeah, there's a lot of misspellings in  
4 there. So somebody doesn't know how to spell.  
5 Whoever doctored this doesn't know how to spell.

6 Q. Yeah, whoever drafted this.

7 A. Whoever doctored it. Whoever doctored it  
8 does not know how to spell.

9 Q. Right.

10 A. And it doesn't appear to be an email, it  
11 looks like to me it is a portion of an email. Very  
12 small, it is only two inches and another page. It  
13 doesn't look anything like an email.

14 Q. Okay.

15 A. That's another reason.

16 MR. GARTEN: Greg, some of the pages -- of that,  
17 what you just had on the screen was grayed out, and I  
18 don't know if that -- can you explain what the gray  
19 out was?

20 MR. JORDAN: I'm not aware of any gray out, but I  
21 am not even going to --

22 MR. STERN: Well, if you hold up the -- if you go  
23 back to page 1 of that exhibit, it looks like it's not  
24 a complete first page.

1 MR. GARTEN: And I want to --

2 MR. JORDAN: Hold on. All right. Here is here is  
3 an email from Michael White to me. So I produced  
4 this. And this is from Daniel White to Michael White,  
5 forwarding this and then going down, this is an actual  
6 email, okay?

7 MR. STERN: Is this different than the exhibit we  
8 were just looking at because I don't have it marked --  
9 BY MR. JORDAN:

10 Q. This is the email, okay, that apparently  
11 Daniel White was blind copied on by John White. And  
12 here is the email, so it is all on one page. It just  
13 happened to be the way it was printed off, so do you  
14 see that? Now, do you recall sending an email to  
15 David Boshea, May 22, 2007, blind copying Daniel White  
16 on the email?

17 A. I did not send this email.

18 Q. Okay. And given that the email has the  
19 date, May 22, 2007, 2:08 p.m., what is your basis for  
20 saying that? Or I am sorry, your email, I guess, May  
21 22nd, 2007, 1:24:33, a 0400 Greenwich Mean Time. How  
22 would either of these individuals have altered this  
23 date on the email?

24 A. I don't know how they altered it, but they

1 did.

2 Q. Uh huh. Okay.

3 A. I am certain of that.

4 Q. Okay. And you're certain of that?

5 A. Yes.

6 Q. But you don't know how?

7 A. I don't know how they altered it. I'm only  
8 certain that they did.

9 Q. Okay. All right. And then I will represent  
10 to you that I don't think it works in Zoom, where if I  
11 open up the document, you don't see the document.  
12 What's up? Is the email still up on the screen?

13 MR. STERN: The email is still up on the screen.

14 MR. JORDAN: Yeah, that's what I thought.

15 BY MR. JORDAN:

16 Q. Now what I did was -- is that I clicked open  
17 the document, and it says, "enable editing" because  
18 that's when you open up an email in Microsoft, it  
19 always says that to prevent against viruses. And this  
20 is a document that was attached to the email, which is  
21 the draft agreement, okay?

22 And your position is, is that you did not send  
23 this document to David Boshea; is that right?

24 A. I could not and did not. Yes.

1 Q. All right. How is it that you could not  
2 have sent it to him?

3 A. Because I never would have sent something  
4 like this.

5 Q. You say, "never would have", why is that?

6 A. Well, the reasons why are, and please don't  
7 interrupt me. The reasons why are: It is sent at two  
8 o'clock in the morning. It is also sent, not to  
9 Daniel's Compass email address, like the other ones,  
10 it is allegedly sent to his personal email address.  
11 He forwards it not to his brother Michael's Compass  
12 address, but to his personal email address, again, in  
13 the middle of the night. Because it includes terms  
14 that are extraordinary, that we would never agree to,  
15 and I would never agree to a half-a-million dollar  
16 severance. And because an identical draft of this was  
17 actually forged by your client.

18 Q. Okay.

19 A. That's how I know.

20 Q. Okay. At the time Compass hired David  
21 Boshea, who was involved in the decision to hire him?

22 A. I already answered. I don't recall 15 years  
23 ago, in 2007. I had the final deciding factor on  
24 hiring employees.



1 Q. Okay.

2 A. The email also was not copied to Lawrence  
3 Scott, the general counsel, who would have been copied  
4 on an offer like this.

5 Q. Okay. And this is the document that David  
6 Boshea relies upon, and you are saying that your  
7 signature is doctored on this agreement. Why is it  
8 that you say that it's doctored on this agreement?

9 A. Because I can recognize it as forged.

10 Q. Why is that?

11 A. Because I can recognize my own signature.  
12 That's not it. That's a forged signature.

13 Q. Okay. What about it tells you it's forged?

14 A. It does not look like my signature at all.

15 Q. Other than that. Other than that vague  
16 idea, that it doesn't look like your signature, what  
17 else?

18 A. I am certain 100 percent that that is not my  
19 signature.

20 MR. GARTEN: This is Alan Garten. I just would  
21 like you to go to the top of the document so that he  
22 can -- and slide throu8gh it so that he can add to his  
23 answer.

24 MR. JORDAN: Okay. I am finished with that

1 document.

2 MR. GARTEN: I am not sure that he -- never mind.

3 MR. JORDAN: All right.

4 BY MR. JORDAN:

5 Q. What about the document -- I will put it up.

6 What about the document causes you concern, Mr. White?

7 MR. GARTEN: I will withdraw any objection.

8 MR. JORDAN: No. I put it up. We will start at  
9 the top.

10 MR. GARTEN: Okay.

11 BY MR. JORDAN:

12 Q. There's some handwriting on there. Do you  
13 recognize the handwriting on the document?

14 A. I do not.

15 Q. Okay. It says: It blocks -- I sold  
16 classify as key player to have this contract. Do you  
17 know what that is referring to?

18 A. I can't make out -- if that's what it says,  
19 I appreciate you reading it, but I don't know.

20 Q. Okay. Is there anything in the -- I have  
21 the top of the document and the first to whereas  
22 clauses up. Read those and let me know if there's  
23 anything about these terms that are noteworthy as to  
24 showing that it was a doctored document.

1 MR. GARTEN: I think you are going to need to  
2 upload -- blow that up, okay? It's hard to read.

3 MR. JORDAN: Is that better?

4 MR. GARTEN: A little bit. John, if you are  
5 familiar with it, okay.

6 MR. JORDAN: I have it at 125 percent.

7 THE WITNESS: Thank you.

8 BY MR. JORDAN:

9 Q. I have -- let me bring it up so that -- the  
10 title of the document, does that give you any concern?

11 A. No.

12 Q. Okay. The first paragraph give you any  
13 concern?

14 A. No.

15 Q. Okay. The recitals, there are one, two,  
16 three, four recitals up. Let me know if they give you  
17 any concern?

18 A. I have not read them yet. Okay. No  
19 concern.

20 Q. No concerns?

21 A. Not with what I've read, no.

22 Q. Okay. And then the remainder of the  
23 recitals and the wherefore, now therefore, paragraph;  
24 let me know if you have any concerns about any of

1 these terms?

2 A. I don't have any concerns.

3 Q. Okay. Article 1, nondisclosure and non-  
4 disparagement, it is the last line on page 1, all  
5 right. And then the next paragraph, and the paragraph  
6 under that title, in the Paragraph A. of Article 2,  
7 non-competition, is up. Can you read those and let me  
8 know if you have any concerns?

9 MR. STERN: Objection, form.

10 BY THE WITNESS:

11 A. I don't have any concerns.

12 Q. Okay. And is there any reason, anything up  
13 to this point you would believe is doctored or changed  
14 from an agreement that Compass would have with other  
15 employees?

16 A. Other than having handwriting on it, no.

17 Q. Okay. And then Article 2, paragraphs, there  
18 is B, C, and then there's a D, and there's nothing in  
19 Paragraph D. Let me know when you're finished reading  
20 those.

21 A. Okay.

22 Q. Is there anything in Article 2 that you  
23 believe was doctored, changed from the standard  
24 agreement that you believe David Boshea or somebody

1 else doctored that would not be an agreement that  
2 Compass would use?

3 MR. STERN: Object to form.

4 BY THE WITNESS:

5 A. Can you restate your question, please?

6 Q. Was there anything in Article 2 that you  
7 believe has been changed or modified from the terms  
8 that Compass provides to its employees, generally, at  
9 that time?

10 MR. STERN: Objection to form.

11 BY THE WITNESS:

12 A. I will state again, I don't remember at that  
13 time, 2007, but it appears that Section D has been  
14 eliminated.

15 Q. Okay. What was Section D, if you know?

16 A. I don't know. I don't recall from 15 years  
17 ago what that contract would have said.

18 Q. Okay. Do you recall what you had offered to  
19 employees in 2007, any terms?

20 A. I don't recall 2007, 15 years ago to  
21 specific agreements.

22 Q. Okay. So without regard to anything, you  
23 wouldn't know by looking at this document, whether it  
24 contain terms that Compass would have offered to David

1 Boshea or not?

2 A. That's incorrect.

3 Q. Okay. Why do you say that?

4 A. Well, we haven't got down to it yet, but it  
5 includes a one-half-a-million-dollar payment, which we  
6 have never -- would never agree to --

7 Q. Okay. All right. How about (indiscernible,  
8 talk over).

9 A. (Indiscernible, talk over) in the history of  
10 the company.

11 Q. Okay.

12 A. No employee, in the history of the company  
13 would ever get one-half-a-million-dollars. That's how  
14 I'm certain, in addition to my signature being forged,  
15 that this document is a fraud.

16 Q. Okay. The Article 3, non-solicitation, is  
17 there anything that leads you to believe that these  
18 terms are fraudulent?

19 A. There is nothing that leads me to believe  
20 that.

21 Q. Okay. Article 4, the title of Article 4 is  
22 on the bottom of page 2. It says: Article 4,  
23 discoveries and works. And then it goes down about --  
24 it looks like half-a-page, to the line I can see

1     invented, designed, or developed. Read through there,  
2     and then I will bring it up.

3           A.     These are these legal terms. I will  
4     probably need a lawyer to review this to determine if  
5     there is anything in here that could answer your  
6     question.

7           Q.     So you don't have any knowledge about what  
8     -- with regard to this article, Compass would or would  
9     not have provided to employees in a valid agreement?

10          A.     I'm sorry, Greg. Can you ask that again?

11          Q.     I guess what I'm trying to get at is, you  
12     don't have any recollection of what -- as far as  
13     discoveries and works, you don't have any recollection  
14     of what Compass provided or didn't provide to  
15     employees in 2007?

16          A.     I have already answered that, yeah, I don't  
17     recall 15 years ago what the terms were of any  
18     agreements to employees.

19          Q.     Okay.

20          A.     Including this section.

21          Q.     Okay. And then there's a remedy section.  
22     Can you read that and let me know whether you believe  
23     that is fraudulent, to use your term?

24          A.     No, I do not believe that's fraudulent.

1 Q. Okay. And then there's Article 6, it is  
2 titled severance. Can you read that?

3 MR. STERN: Greg, because this is a virtual  
4 deposition, and it has been this, we don't get  
5 complete stream, and it is blocking, at least on my  
6 screen, the right-hand side. I don't know if there is  
7 any handwritten notes. I see some handwritten on the  
8 left, but it looks like there may be something  
9 handwritten on the right.

10 MR. JORDAN: I can make the screen smaller, so you  
11 can see.

12 MR. STERN: Thank you.

13 MR. JORDAN: If you recall, I made it larger  
14 because Alan asked me to do that. Can you read this?

15 THE WITNESS: Okay, I have read it.

16 BY MR. JORDAN:

17 Q. Now, you've already said you don't recall  
18 what you talked about with David Boshea in 2007 with  
19 regard to its terms of employment. And now you're  
20 saying that you never would have offered the terms of  
21 the severance, okay. Why is it that you remember  
22 that, what you didn't offer him, but you don't  
23 remember what you did?

24 A. Because we have never offered that



1 outlandish amount of money to any employee in 20  
2 years. That's how I'm certain that we wouldn't have  
3 offer it to a salesman.

4 Q. So is it -- you are just saying that you  
5 have no recollection that you ever offered this to  
6 David Boshea?

7 A. That's not what I said.

8 Q. Okay.

9 A. I said I did not offer this to David Boshea,  
10 and I'm certain of that because we have never and  
11 would never offer one-half-a-million dollars to a  
12 salesman.

13 Q. Okay. Other than that you never would have  
14 offered it. Why is it you believe that you didn't  
15 offer it?

16 A. Because my signature has been forged on the  
17 document. Because there's handwriting on the document  
18 itself.

19 Q. Okay.

20 A. And there are errors, et cetera, which make  
21 it additionally reflective of a document that I would  
22 not have signed.

23 Q. Okay. So your testimony is that you never  
24 would have offered \$540,000 in severance to David

1 Boshea?

2 A. I don't believe I would have.

3 Q. Well, you don't believe you did, would have,  
4 or that you didn't?

5 A. I did not.

6 Q. Okay. And why do you say you did not?

7 MR. STERN: Objection. Asked and answered.

8 MR. JORDAN: Go ahead.

9 BY THE WITNESS:

10 A. I have already answered. I can answer it,  
11 again, if you like.

12 Q. Sure.

13 A. Because we have never, and would never,  
14 offer one-half-a-million dollars to an employee.

15 Q. Okay. Anything else?

16 A. And because my signature on this document is  
17 forged and because there's handwriting and chicken  
18 scratch all over the document.

19 Q. Okay. Do you know when the handwriting was  
20 added to the document?

21 A. This is your document. I have no idea when  
22 or where it came from.

23 Q. Okay. And then there is -- but you don't  
24 recall. All right, here, that's fine. And then

1 there's Article 7, term of employment. Read that and  
2 let me know if you believe there is anything in that  
3 that is fraudulent.

4 A. I don't believe there is anything in there  
5 that is fraudulent.

6 Q. Okay. Article 8?

7 A. I can see immediately the chicken scratch,  
8 and I could see Section G is hand-edited.

9 Q. Well, it certainly is underlined.

10 A. Appears to be crossed out with an arrow.  
11 (Indiscernible, talk over).

12 Q. The words (indiscernible, talk over). Hold  
13 on.

14 A. I can't read.

15 Q. The words that are crossed out are, I think,  
16 underlined, are in addition, right?

17 A. They appear to be crossed out, to me.

18 Q. Okay, either way?

19 A. Well, they appear to be crossed out, to me.  
20 Not either way.

21 Q. Okay. That's fine. Does it, without the  
22 cross-out, if you will, is there anything in Article 8  
23 that you view as fraudulent?

24 A. Yes.

1 Q. What is that?

2 A. Yeah, the handwritten edits, the chicken  
3 scratch on the left, and the notes on the bottom of G  
4 that are ineligible. You can't identify what that is.

5 Q. Okay.

6 A. Those are all questionable. Those are all  
7 reflective of a contract that would not have been  
8 signed.

9 Q. Okay. But you don't know when the chicken  
10 scratch or that other writing was added on the  
11 document, right?

12 A. I only know I would never have signed a  
13 document like that.

14 Q. Okay. But you don't know whether somebody  
15 didn't make those notes after the document was signed,  
16 either, right? Because you don't have any knowledge  
17 of this agreement?

18 A. I am only looking at the document you  
19 presented. I don't know its origin. I don't know its  
20 history. I don't know who wrote on here. I don't  
21 know anything other than what I'm looking at, that you  
22 are looking at with me.

23 Q. Okay. Is there anything else other than on  
24 the last page, other than circling in the J, and

1 there's some cross-outs under J. Is there anything  
2 else that is different than the standard Compass  
3 Marketing agreement?

4 A. Yes.

5 Q. What?

6 A. It includes a forged signature of myself on  
7 the document.

8 Q. Okay. Other than that? Anything in Article  
9 8, other than the chicken scratches, the cross-out,  
10 the arrow, the notes on the bottom, the circling of J,  
11 and some more chicken scratch and J, is there anything  
12 that's different than the standard miscellaneous  
13 provision in Compass's agreement?

14 A. The only additional thing is the forged  
15 document.

16 Q. No. We haven't even gotten to the  
17 signature, yet. I'm just talking about Article 8.

18 A. I think we have identified all the things  
19 that would concern me about its authenticity.

20 Q. Okay. Did Compass ever offer anyone  
21 severance?

22 A. I believe so.

23 Q. Who did it offer severance to?

24 A. I believe it appeared to offer it to John

1 Adams.

2 Q. Did it offer it to John Adams on the final  
3 document?

4 A. It's possible.

5 Q. Okay. Anyone else?

6 A. I can't recall.

7 Q. Okay. Before entering into any of the  
8 employment agreements, would the shareholders or  
9 directors have to meet to approve the agreement?

10 A. No.

11 Q. Okay. All right. I am showing you the  
12 Exhibit 13. Is it up on the screen?

13 MR. GARTEN: Yes. I just want to tell you that it  
14 looks like the left-hand side of that has been chopped  
15 off because I think the words should be paycheck and I  
16 am only seeing the letter Y.

17 MR. JORDAN: Right, right. I can't -- this is a  
18 document that Compass produced. It appears that Bates  
19 numbers on the bottom, let me go to the bottom here.  
20 this is CM0011, so I have no co9ntrol over that. I  
21 marked it in between the Bates number.

22 BY MR. JORDAN:

23 Q. This is a document that Compass would have  
24 produced, okay. And there is the regular pay, it

1 says: \$350, 401K; and then it says: \$35, AFLPRE.

2 What is the \$350 on there?

3 A. I don't know.

4 Q. Okay. And page 2 is an email to David  
5 Boshea, all right, dboshea@compassmarketinginc.com,  
6 which is that David Boshea's email address at Compass  
7 Marketing?

8 A. It appears to be.

9 Q. Okay. And it is to Mike White,  
10 mwhite@compassmarketinginc.com. Is that Michael  
11 White's email at Compass Marketing in January 2017?

12 A. I believe it was.

13 Q. Okay. And this email is dated January 12,  
14 2017, at 4:17 p.m.

15 MR. STERN: Greg, is this another one that we  
16 produced with a Bates number? Can you just read that  
17 out loud, please?

18 MR. JORDAN: Yes. Hold on. I am going to have to  
19 close this note. All of a sudden I am getting a bunch  
20 of emails and I want to avoid blocking the --

21 MR. STERN: There is a Bates number on the first  
22 document.

23 MR. JORDAN: I am going to bring it up. What  
24 happened was is that all of a sudden, I got a bunch of

1 emails, and they are interfering with my ability to  
2 move down the screen, here.

3 You will see at the bottom, it says CM-0012? Do  
4 you see that?

5 MR. STERN: Yes, thank you.

6 MR. JORDAN: Okay. And I apologize, but email is  
7 coming in the bottom right-hand corner of my email to  
8 come up -- or my screen to come up, so I couldn't  
9 manipulate it to see it.

10 BY MR. JORDAN:

11 Q. So David email. The email says: Hey,  
12 Buddy, I hope -- I am sorry. Hey, Buddy. Hope all is  
13 well with you. Just a reminder (smiley), I guess.  
14 Thanks, man! And it says: Hey Buddy, and the second  
15 email on January 2, 2017, at 1:39, Mike White wrote:  
16 Hey Buddy, I took a look, small check was coded as  
17 regular payroll check instead of as an expense  
18 reimbursement, you are to fix on the next one.

19 Big check was SS deduction, since it is a new  
20 year started. And then, Happy New Year, Buddy. Mike.  
21 This block, and then on Saturday, December 31, 2016,  
22 at 1:11 p.m. David Boshea wrote: Happy New Year,  
23 Buddy. When you get a minute, please check with your  
24 payroll company, it appears they messed up my checks,



1 here today. No check today as the numbers in it.

2 Okay. So -- and then above that is this \$350. Okay.

3 And I'm trying to figure out what the \$350 is, and you  
4 said you don't know that, right?

5 A. I have no idea.

6 Q. Okay. And you don't know what happened to  
7 David Boshea's payroll, right?

8 A. No, but Michael White would be great to ask.

9 Q. Okay. I'm sure he would. And then there is  
10 a doc that is produced here. This is -- again, these  
11 are Compass produced documents. This is four-page,  
12 Exhibit 14. The first page is a payment record for  
13 \$12,500, excuse me, I went too fast there. And it is  
14 CM-0100 and it is a check payment. It looks like the  
15 portion that -- of a payment record, Compass Marketing  
16 Golf Club Membership, D. Boshea, \$12,500. And do you  
17 know why -- and it says, 05/25/2007, White Eagle C.C.,  
18 it is kind of cut off there, but you can read it. Why  
19 was Compass Marketing sending \$12,500 to White Eagle  
20 Golf Club?

21 A. I don't think that's what this document  
22 says. It doesn't say who the money is sent to. It  
23 doesn't describe anything. Your words exactly were  
24 that this is a portion of an apparent payment. Do you

1 have the rest of the portion that you're referring to  
2 here?

3 Q. Here, how about this? Do you see our  
4 highlighting, checking M&T Bank, Golf Club Membership,  
5 D. Boshea?

6 A. Yes, I see that.

7 Q. Okay. Why would Compass be paying -- having  
8 a check from M&T Bank for golf club membership, D.  
9 Boshea on 5/25/2007; if you know?

10 A. I am not sure that this is a check. I don't  
11 know what this is.

12 Q. Okay.

13 A. Other than your description of it as a  
14 portion of a potential payment.

15 Q. Okay.

16 A. (Indiscernible).

17 Q. Well, does --

18 A. It does not look like a check to me at all.

19 Q. I didn't say it was a check. I said it was  
20 the check stub. Isn't that not a stub of a check when  
21 compass sends out a check? It wouldn't keep the check  
22 because the other side could negotiate it.

23 A. I don't know what this is. I don't know  
24 what this is.

1 Q. Okay. Do you have any knowledge of Compass  
2 Marketing paying for David Boshea's White Eagle Golf  
3 Club membership fee?

4 A. From 15 years ago in 2007, no, I do not.

5 Q. Okay. And then that next page is from  
6 golf4me36@aol.com, which I think we have identified as  
7 David Boshea to Michael White's email address on May  
8 24, 2007, 3:23 p.m. Subject, follow up. And it has  
9 to do -- it says: Mike, hope all is great. John told  
10 me to get with you on a couple of things. Email start  
11 up. Also, how do I purchase the laptop, check for  
12 \$12,500 for White Eagle membership. We need to move  
13 quick, so we get the nice deal.

14 If you can please fax a copy of the check made  
15 payable to White Eagle at 630-305-6787, attention  
16 Ruthann Wood, then you can just mail the check to me  
17 and I will deliver it. Home is 5546 Clearwater Lane,  
18 Naperville, Illinois, 60564. Cellphone, how do I get  
19 this going? Also, I have left some messages for John,  
20 but I have to talk to him and make sure he knows I  
21 have the Lowes appointment set for 6/13/07 at one  
22 o'clock. This is great. Thanks, Mike. I'm looking  
23 forward to working with you, Dave.

24 And then it has an address on the bottom for the

1 golf club. Now, do you have any knowledge of David  
2 Boshea, asking for a check to be sent to White Eagle  
3 for his membership?

4 A. This appears to be a communication between  
5 David Boshea and Michael White.

6 Q. Right.

7 A. I do not have any firsthand knowledge of  
8 this document or of a request from 15 years ago.

9 Q. Okay. And then there is a third page, a fax  
10 transmission sheet and a fax cover page. Michael  
11 White to Ruthann Wood, White Eagle Golf Club, two  
12 pages. And I guess is this -- do you have any  
13 knowledge of Michael White sending an email to Ruthann  
14 White -- I am sorry, a facsimile to Ruthann Wood at  
15 White Eagle?

16 A. I do not have any knowledge of that.

17 Q. Okay. And you don't have any -- do you have  
18 any knowledge of Compass agreeing to pay anything to  
19 White Eagle Golf Club for David Boshea's dues or  
20 membership?

21 A. I don't recall any of David Boshea's  
22 agreements from 2007.

23 Q. Okay.

24 A. But that document appears to be a check

1 payment, if it's accurate, to White Eagle, not through  
2 the payroll for David Boshea, as you asked me earlier  
3 today.

4 Q. Okay.

5 MR. REPORTER: Counselor, could we take a short  
6 break so I could clear up a conflict I had. We are  
7 running a little past, which is fine, but I just need  
8 15 minutes.

9 MR. JORDAN: Okay. We will take a break for 15  
10 minutes.

11 MR. REPORTER: Thank you. We are off the record  
12 at 3:35 Central Time.

13 (A short break was taken.)

14 MR. GARTEN: There you are. You've got him live  
15 go ahead. Got them live. Go ahead.

16 BY MR. JORDAN:

17 Q. All right. I'm looking here at -- I have J.  
18 White, Exhibit 12 up on the screen, which is a four-  
19 page document. It's a letter that was sent to David  
20 with attachment on March 2nd, 2020, and do you  
21 recognize this document?

22 A. It appears to be a document I do recognize,  
23 yes.

24 (Exhibit 12 was displayed.)

1 BY MR. JORDAN:

2 Q. Okay. And this is a letter that was sent to  
3 David Boshea. In the first paragraph, it says:  
4 Regrettably, your position was one of the positions  
5 selected to be eliminated due to necessary reductions  
6 in force. All right. What was intended when you were  
7 saying "due to this reduction in force"?

8 A. We were intending to reduce the workforce.

9 Q. Okay. So is there any reason other than  
10 reduction in force for David Boshea's termination?

11 A. No.

12 Q. Okay. And David Boshea filed for  
13 unemployment, and do you have any knowledge of any  
14 contest of David Boshea's request for payment of  
15 unemployment benefits?

16 A. I do not have any knowledge.

17 Q. Okay. Do you know whether Compass ever  
18 reprimanded David Boshea for anything?

19 A. I don't. I don't recall, but I can't speak  
20 for certainty about anything or ever.

21 Q. Okay. Is there anything that would assist  
22 you in recalling whether David Boshea was ever  
23 reprimanded by Compass Marketing.

24 A. Yes, his personnel file.

1 Q. Okay. And is that -- that's the personnel  
2 file that's been produced in this case?

3 A. Yes. That's the padded personnel file that  
4 Michael White admitted padding.

5 Q. Okay. But do you know of anything that was  
6 taken out of David Boshea's file regarding a  
7 reprimand?

8 A. I don't have any personal knowledge of  
9 anything that was taken out of his file regarding a  
10 reprimand.

11 Q. Okay. Now, one of the issues in the lawsuit  
12 is -- let me find this here.

13 MR. JORDAN: Stephen, what numbered exhibits did I  
14 send you through?

15 MR. STERN: Give me a second to pull that up.

16 MR. JORDAN: It looks like ten.

17 MR. STERN: I think you sent two sets of fives,  
18 hold on one second. Yes, the last one I have is ten.

19 MR. JORDAN: Give me a second. We just randomly  
20 sent you 11 through 19. Give us a little bit of time  
21 here.

22 BY MR. JORDAN:

23 Q. Okay. I am going to bring up onto the  
24 screen the Compass Marketing payroll register that was

1 produced by Compass Marketing, 60 pages, and it  
2 starts with -- it is hard to tell because Compass  
3 Marketing's Bates stamp is written over a word, but it  
4 looks like it's 307. Now, I am looking on page one  
5 here. This is the payroll records the period 7/16/14  
6 and it has a \$350 payment. Do you know what that's  
7 for?

8 A. I don't recall or know what that's for.

9 Q. Okay. Are you aware that -- do you contest  
10 the fact that Compass Marketing paid \$700 a month in  
11 \$350 increments for David Boshea's White Eagle Country  
12 Club dues?

13 MR. STERN: Objection to form.

14 BY THE WITNESS:

15 A. Pardon me, personally?

16 Q. Right.

17 A. Do I personally object?

18 Q. No. Do you know whether Compass Marketing  
19 paid \$700 a month in \$350 increments to David Boshea  
20 to compensate him or reimburse him for White Eagle  
21 membership dues?

22 A. I don't have any personal knowledge of that.

23 Q. Okay. Do you have any reason to contest the  
24 fact that Compass Marketing paid, through its payroll,



1 \$350 a month -- I am sorry, \$350 biweekly for a  
2 Compass Marketing -- I mean, for -- excuse me, I will  
3 start again.

4 Do you have any reason to contest the fact that  
5 Compass Marketing paid three in a \$350 biweekly to  
6 David Boshea for -- I guess, let me start again.

7 It's \$700 a month, in \$350 increments, to pay or  
8 compensate or reimburse him for White Eagle Country  
9 Club dues?

10 MR. STERN: Objection, form.

11 BY THE WITNESS:

12 A. Can you ask the question again?

13 Q. Sure. Did Compass Marketing pay \$350 a  
14 month to David Boshea to pay or reimburse him for  
15 White Eagle -- \$350 twice a month for White Eagle  
16 Country Club dues?

17 A. I don't think so, but I don't know for sure.

18 Q. Okay. Do you know there is a \$350 payments  
19 here throughout the payroll register, each page, and  
20 you don't know what the \$350 is for; is that right?

21 A. Can I inspect the document?

22 Q. Sure.

23 A. Can you go to the end?

24 MR. GARTEN: You are going to need to get that box

1 out of there, right?

2 MR. JORDAN: I wasn't sure that that was up on  
3 your screen. I apologize for that.

4 MR. GARTEN: Yeah.

5 BY THE WITNESS:

6 A. So I don't see the \$350. Can you can you  
7 scroll back to where the \$350 payment stops?

8 Q. Sure. Last payment was about a year before  
9 the end of his term.

10 A. The last payment was one year before his  
11 term? What was that date?

12 Q. Approximately, one year, 4/1/19 is that \$350  
13 payment.

14 MR. STERN: Just to be clear, when does that show  
15 -- people are joining the call and blocking out part  
16 of the screen, so we can't see the dates.

17 MR. GARTEN: Actually, I can see it.

18 MR. JORDAN: I think you can manipulate that on  
19 your side.

20 MR. STERN: Okay.

21 BY MR. JORDAN:

22 Q. Do you see that 4/1/2019?

23 A. I do see that.

24 Q. Okay. And there is \$350 paid to David

1 Boshea. Do you know what that was for?

2 A. I do not.

3 Q. Okay. Do you have any reason to contest the  
4 fact that it was for White Eagle Country Club dues?

5 A. Do I have any personal reasons to contest  
6 that?

7 Q. Right.

8 A. It shouldn't have been, but if it was, it  
9 should not have been.

10 Q. No, should, would, whatever, I don't know.

11 A. Yes, I contest this, yes.

12 Q. You are the Chief Executive Officer of the  
13 company, why would you -- I think you said you  
14 contested it. Why would you contest it?

15 A. He should not have a payment that ended in  
16 April of 2019 outside of his payroll payment for  
17 anything, regardless of what it is.

18 Q. Okay. So why is that?

19 A. It appears to be theft.

20 Q. Okay. Why is that?

21 A. It's not authorized, and I was unaware of  
22 it.

23 Q. Okay.

24 A. In April of 2019.

1 Q. Okay. What, if any, control did David  
2 Boshea have over the payment of payroll for Compass  
3 Marketing?

4 A. He didn't have any control. Michael White  
5 had total control.

6 Q. Okay. And so the fact that David Boshea --

7 A. Michael White had total control until April  
8 of 2019.

9 Q. Okay.

10 A. Then Michael White no longer had control of  
11 the payroll.

12 Q. Okay. And what's the significance of that  
13 with relating to the \$350?

14 A. It appears that the \$350 stopped being paid  
15 to David Boshea when Michael White stopped having  
16 control of the payroll.

17 Q. Or at least paid through payroll. You don't  
18 know whether it stopped, do you?

19 A. I'm only reading the documents.

20 Q. Okay.

21 A. I do know that the payroll payments stopped  
22 in April 2019, the same time that Michael White  
23 stopped having control over the payroll.

24 Q. Okay. But you don't know whether David

1 Boshea received the \$350 twice a month after April 1,  
2 2019, do you?

3 A. If he did, it would have been unauthorized  
4 and theft.

5 Q. Okay. And how would it have been theft by  
6 David Boshea?

7 MR. GARTEN: Objection. That is a asking a legal  
8 question here, you know, for him to give legal  
9 conclusion.

10 MR JORDAN: I am not, Alan. He was the one who  
11 said it would be theft, so I am asking him, using his  
12 words, why it would be theft. I'm not asking for a  
13 legal conclusion. I'm asking him to explain his  
14 answer.

15 MR. JORDAN: Stephen, I can't hear you.

16 MR. STERN: Objection to the extent it calls for a  
17 legal conclusion, still (indiscernible).

18 MR. JORDAN: I am not asking -- I am asking him to  
19 explain his answer.

20 BY THE WITNESS:

21 A. It would have been unauthorized, the payment  
22 that he received after, or 2019, or before, that was  
23 unauthorized, would have been, in fact, theft.

24 Q. Okay. And why is that?

1 A. Because unauthorized payments are theft.

2 Q. Okay. You didn't have any knowledge of him  
3 receiving the money, right?

4 A. Other than this payroll report, no.

5 Q. Right. And the payroll report that I had up  
6 on the screen, I could put up again if you want, shows  
7 the payment for years, right?

8 A. That stopped in April 2019.

9 Q. Right.

10 A. And he didn't say anything about that.

11 Q. And he didn't what?

12 A. He didn't call that to anyone's attention  
13 when it stopped -- when he stopped receiving it.

14 Q. Okay. How do you know that?

15 A. Because I was the CEO of the company.

16 Q. So did you handle the payroll after April 1,  
17 2019?

18 A. I did not.

19 Q. Okay. Would you have been the person that  
20 if someone had a payroll question that they would go  
21 to

22 A. No.

23 Q. Okay. And in the counterclaim that Compass  
24 Marketing filed, they mentioned that -- oh, hold on.

1 This is not a great copy here, but here is an email  
2 that we have. J. White to Mike White, well, let's go  
3 to the bottom to have some context. All right. It's  
4 an e-mail --

5 A. What's the number on the on the document?

6 Q. I think it's J. White, Exhibit 17.

7 MR. STERN: Was this (indiscernible, talk over).

8 BY MR. JORDAN:

9 Q. I believe this was a document that came from  
10 Michael White. Yes. It says: Do David Boshea sent  
11 an email to Michael White and John White on May 24 --

12 A. We are not able to read this, Greg, so we  
13 are not sure if the video is --

14 Q. I said it is not a great copy, so I am  
15 reading it.

16 A. It is illegible. We can't read it. Go  
17 ahead.

18 Q. It says: David Boshea to Mike White, John  
19 White, May 24, 2012, at 12:51 a.m. Mike: Hey, Bro,  
20 White Eagle raised monthly fee to \$750. Thanks, Dave.  
21 And then here is another copy of the email and Michael  
22 White forwarded it to you and then you respond to  
23 Michael White: I saw it. He copied me, too, just  
24 ignore. Do you see that?

1 MR. GARTEN: And the date on that is?

2 MR. JORDAN: May 25, 2012, at 7:43 a.m.

3 MR GARTEN: Okay.

4 BY MR. JORDAN:

5 Q. Did David Boshea advise you that the White  
6 Eagle membership fees had raised to \$750 a month?

7 A. I don't believe so.

8 Q. Okay. So is it your position that you never  
9 received this email?

10 A. It's my position that this email is not  
11 authentic.

12 Q. Okay. And why is that?

13 A. For a couple of reasons. On the top right  
14 hand corner, it appears that it's been printed with my  
15 email address, and it is from somebody who admittedly  
16 breached my emails, Michael White. And I can't read  
17 it.

18 Q. Okay. So other than that, why are you  
19 saying that you never would have received this email?

20 A. That's not what I said.

21 Q. Okay. What did you say?

22 A. Jason, can you read back to the record,  
23 please?

24 Q. Just say it again.



1 A. Jason, please read back the record.

2 MR. REPORTER: Stand by.

3 (Record read as requested.)

4 BY THE WITNESS:

5 A. And my answer was that it was not authentic.

6 Q. Okay. So I'm confused. When you say it's  
7 not authentic, does that mean you never received the  
8 email?

9 A. No, it means it's not authentic.

10 Q. What's the difference between never  
11 receiving the email and it not being authentic?

12 A. I can't say what emails I received from ten  
13 years ago. I receive thousands of emails a month.

14 Q. So you're saying you don't recall receiving  
15 this email, or that you didn't receive the email?

16 A. I'm saying this email is not authentic, and  
17 I don't recall having received it.

18 Q. Okay. And the reason that it's not  
19 authentic is what?

20 A. Because it's from somebody who's admitted to  
21 breaching my email and it appears to be printed out  
22 from my own email and produced by the individual,  
23 Michael White, who admitted to breaching my emails.

24 Q. Okay. So because Michael White breached

1 your email and printed it out, does that mean that you  
2 never received the email or that you just questioned  
3 whether you received the email or something else?

4 A. I didn't say that.

5 MR. STERN: Object to form.

6 BY MR. JORDAN:

7 Q. I don't know what you're saying. You're not  
8 being -- you are being opaque.

9 A. No. I will say it for the third time. I  
10 think it's not authentic is my answer.

11 Q. And the reason?

12 A. Somebody printed this email as me. That's  
13 why it's in the right-hand corner, it has my email  
14 address. So somebody pretending to be me got in and  
15 printed what looks like an email before it got  
16 distorted. It's not an authentic document.

17 Q. Okay.

18 A. I am certain of that.

19 Q. So you're certain it's not authentic, but  
20 you can't say whether you ever received it or not?

21 MR. STERN: Objection.

22 BY MR. JORDAN:

23 Q. Any emails such as this? I'm confused.

24 MR. GARTEN: You know, first of all you said

1 you're certain that is not authentic.

2 THE WITNESS: I did.

3 MR. GARTEN: Yeah, okay. Can you just break down  
4 your question and not compound question, but as a --  
5 just like a yes, no and then we can lead to the next  
6 question.

7 BY MR. JORDAN:

8 Q. Are you saying you never received this  
9 email?

10 A. No, I'm not saying that.

11 Q. Okay. So you don't know whether you  
12 received this email or not?

13 A. I didn't say that either.

14 Q. All right. So did you receive this email?  
15 It kind of closes the loop.

16 A. I don't recall what emails I received ten  
17 years ago. I received thousands of emails a month.

18 Q. Okay, that's fine.

19 MR. STERN: Just as a reminder, Greg, can you tell  
20 us what exhibit number was that?

21 MR. JORDAN: Give me a second, I closed it.

22 MR. GARTEN: March 2nd '20 letter, David Boshea.  
23 Is that the one?

24 MR. JORDAN: That would be 17.

1 MR. STERN: Thank you.

2 BY MR. JORDAN:

3 Q. Okay. Now I have up on the screen the  
4 Exhibit 19, which is the counterclaim and third-party  
5 complaint Compass Marketing filed. Have you reviewed  
6 this document before?

7 A. Not of late.

8 (Exhibit 19 was displayed.)

9 Q. Okay. Do you want to take the opportunity  
10 to review it now?

11 A. I am not here testifying on behalf of  
12 Compass, but I'm happy to review it if you'd like.

13 Q. I am not asking you to testify on behalf of  
14 compass, but there may be facts that you wish you had  
15 knowledge. Let me know when you want me to turn the  
16 page. We are on page 1.

17 MR. STERN: Just to be clear, Greg, while he's  
18 reading, did you skip Exhibit 18?

19 MR. JORDAN: I did.

20 MR. STERN: Okay. Thank you.

21 MR. JORDAN: Alan has to go someplace.

22 THE WITNESS: Okay.

23 BY MR. JORDAN:

24 Q. I have the remainder of paragraph 1 through

1 paragraphs 2 and 3 up on the screen.

2 A. Okay.

3 Q. I have the paragraph 4 through the remainder  
4 of page 2 up on the screen.

5 A. Okay.

6 Q. All right. I have page 3, paragraphs 7  
7 through 11, up on the screen, factual allegations.

8 A. Okay.

9 Q. I have paragraph 12, which is the last  
10 paragraph on page 3 up on the screen.

11 A. Okay.

12 Q. Okay. And then have paragraphs 13 through  
13 16 up on the screen.

14 A. Okay.

15 Q. Okay.

16 A. I'm sorry. I'm sorry. Can you get back? I  
17 didn't see 16, 15, yeah.

18 MR. GARTEN: Yeah, let's look at 16.

19 THE WITNESS: 15.

20 MR. GARTEN: Go back up, yeah, just to 15. Okay.

21 THE WITNESS: Okay.

22 BY MR. JORDAN:

23 Q. All right. I now have the remainder of page  
24 4 up on the screen.

1 A. Okay.

2 Q. Okay. And then I have page 5, paragraphs 20  
3 and 21 up on the screen.

4 A. Okay.

5 Q. In paragraphs 4, it relates - it concerns  
6 Joe Doe's, who is presently our unknown individuals,  
7 who upon information and belief aided, and abetted,  
8 and conspired with Boshea or whom Boshea aided,  
9 abetted, or conspired with to harm Compass Marketing  
10 in the manner set forth in this counterclaim and  
11 third-party complaint.

12 Have you identified who these John Doe's are?

13 A. Me personally or the company?

14 Q. Do you know who the John Doe's are, whether  
15 in your capacity as Chief Executive Officer,  
16 personally, or otherwise? And you are the only one  
17 here.

18 A. I have not concluded who those are.

19 Q. Okay. In paragraph 13, it says: Shortly  
20 after filing the complaint, a copy of the complaint  
21 was circulated anonymously to third parties doing  
22 business with Compass Marketing, including a real  
23 estate broker located in Annapolis, Maryland,  
24 assisting Compass Marketing to search for office

1 space. Do you see that?

2 A. I see that.

3 Q. Okay. Do you have any knowledge of David  
4 Boshea circulating, anonymously, the complaint in this  
5 case to a real estate broker located in Annapolis?

6 A. No.

7 Q. Okay. Do you know who the real estate  
8 broker Compass refers to in the complaint?

9 A. Yes. It is Hyatt Real Estate, I believe is  
10 the name.

11 Q. Okay. Do you know who at Hyatt Real Estate?

12 A. I do not.

13 Q. Do you recall working with John Gallagher,  
14 who was a broker with Hyatt Real Estate?

15 A. I do not recall. They had some people, but  
16 I don't remember him specifically.

17 Q. Okay. And did you ever have any  
18 conversations with anyone at Hyatt Real Estate where  
19 they said that because of receiving the complaint that  
20 Hyatt Real Estate was stopping doing business with  
21 Compass Marketing?

22 A. I don't recall.

23 Q. Do you know anybody who had such a  
24 conversation?

1 A. I can't recall right now.

2 Q. Is there anything I could help you recall?

3 A. Probably a phone call to Hyatt.

4 Q. Okay. Is there any facts other than a  
5 surmise that would lead you to believe that Hyatt Real  
6 Estate stopped working with Compass because they  
7 received this complaint anonymously?

8 A. I'm sorry, can you ask that again?

9 Q. Other than your surmise, do you have any  
10 factual basis for saying that because Hyatt Real  
11 Estate received the copy of the complaint, it stopped  
12 working with Compass Marketing?

13 A. I am not sure that's my surmise. It's  
14 Compass Marketing surmise, but is that your question,  
15 what do I --

16 Q. I can only ask you questions. I can't ask  
17 Compass Marketing.

18 A. Okay. So you're asking my personal opinion  
19 about?

20 Q. No, no. Any facts other than a surmise that  
21 they got the complaint and, therefore, they stop  
22 working?

23 A. I don't believe I can remember any facts  
24 that are not -- have already been presented.



1 Q. Okay. And then there is a distribution of  
2 the complaint to an architecture firm, as well; is  
3 that right?

4 A. That's what it says.

5 Q. Do you know anything about an architecture  
6 firm receiving a copy of the complaint, anonymously,  
7 or otherwise?

8 A. I remember that they did, but I don't recall  
9 who received it there. I don't even remember the name  
10 of the firm.

11 Q. Okay. Do you have any facts? Do you know  
12 of any facts that would support the allegation that  
13 because the architecture firm received the complaint,  
14 that they stopped working with Compass Marketing?

15 A. Only that they stopped communicating with  
16 us.

17 Q. Okay. So there was this stoppage of  
18 communication, and you don't know why they stopped  
19 communicating?

20 A. Both Hyatt and the architecture firm stopped  
21 communicating instantly following the receipt of these  
22 anonymous mailings.

23 Q. Okay.

24 A. Within a couple of days.

1 Q. I am showing you what's marked is J. White  
2 Exhibit 20, which is a five-page document with a  
3 proposal for release dated 2/26/21 for 410 Rowe  
4 Boulevard, LLC. And what I'm going to do is go on to  
5 page 4, and it says here, brokerage, okay? It says:  
6 landlord recognizes Jones Lang LaSalle Brokerage, Inc.  
7 JLL, as tenant broker. Landlord's broker, Hyatt  
8 Commercial shall pay JLL a commission per a separate  
9 agreement. Do you see that?

10 A. I do see that.

11 Q. So Hyatt Commercial was the landlord's  
12 broker, and JLL was your broker?

13 MR. GARTEN: Objection. I want you to know, I  
14 think you read it the opposite, you know, the  
15 opposite.

16 MR. JORDAN: JLL -- yeah, let me say it. JLL,  
17 Jones Lange LaSalle Brokerage, is the tenant broker,  
18 correct?

19 MR. GARTEN: Right, okay.

20 MR. JORDAN: And Compass is the tenant, right?

21 MR. GARTEN: Yeah, never mind, go ahead.

22 BY MR. JORDAN:

23 Q. Is that right, Mr. White?

24 A. That's what it says.

1 Q. Well, is it, in fact, did Compass hire JLL  
2 is its broker?

3 A. I'm not sure. I believe that that's what  
4 that said - this says.

5 MR. GARTEN: Can we look at the bottom of the  
6 document to see who signed this thing?

7 BY MR. JORDAN:

8 Q. Do you recognize the signature on there?

9 A. That appears to be mine.

10 Q. Okay. So, you signed it. This is a Compass  
11 document, starts with CM-0868 and continues -- I am  
12 sorry. No, that's page 4. CM-0865 and continues  
13 through 0869. So Compass produced this and on page 4,  
14 four, below, it has a signature block without his  
15 signature from John Gallagher, Vice President of  
16 Hyatt. Do you see that?

17 A. I do.

18 Q. Okay. Now, as I understand it, in the  
19 paragraph -- there is a paragraph that says:  
20 Condition and duration of offer. It says the above  
21 and in bold, non-binding proposal is offered on a non-  
22 exclusive basis and landlord reserves the right to  
23 offer the space simultaneously to others or withdraw  
24 this proposal at any time. Only a lease signed by

1 both parties shall be binding. Do you see that?

2 A. Yes.

3 Q. Hyatt Commercial provided a non-binding  
4 proposal to Compass; is that right?

5 A. That's what this says.

6 Q. And then following receipt of this document,  
7 I spoke with Mr. Gallagher, and he claims that they  
8 delivered a lease to Compass and Compass stopped  
9 communicating with Hyatt with regard to the lease. Do  
10 you dispute that?

11 A. I have not spoken to Mr. Gallagher.

12 Q. No, no. I am asking did Hyatt deliver a  
13 form of lease for the subject property to Compass?

14 A. I don't know. This was over two years ago.  
15 I'm not sure what was delivered. It was over two  
16 years ago.

17 Q. Now, actually, it's April 6th, 2021, is  
18 clearly over a year ago. So do you know --

19 A. It is 2020, I believe.

20 Q. I am sorry.

21 A. I believe the signature date said 2020.

22 Q. Okay.

23 A. If you look down at the bottom.

24 Q. I am not going to argue with you. I will

1 point out that the lawsuit wasn't filed in March of  
2 '20 and April 2020.

3 A. Can you look down at the signature to see  
4 the date that it was signed, executed?

5 Q. It say 4/6/2020.

6 A. Correct.

7 Q. All right. I am not going to fence with  
8 you, Mr. White. A. I don't intend to.

9 Q. Excuse me. Let me finish. We've already  
10 looked at the document where in March 2020 it  
11 terminated Mr. Boshea. He filed his complaint the  
12 next year. I don't really know why you would put 2020  
13 on document, but the complaint wasn't on file in 2020.  
14 So, you know, I don't want to get -- I don't want to  
15 fence about the dates. There's no way that it was in  
16 2020. So anyway, without regard to the date of the  
17 letter --

18 MR. STERN: Characterization, but I think we're --  
19 either way, it is not really material to the questions  
20 are being asked.

21 MR. JORDAN: Right, yeah, fine. Mr. White is  
22 wrong.

23 MR. STERN: Actually characterization there. I  
24 don't think that is correct.

1 MR. JORDAN: It is not a characterization. It is  
2 a fact. So anyway, moving on.

3 MR. STERN: (Indiscernible). This is just not  
4 correct.

5 MR. JORDAN: Moving on.

6 BY MR. JORDAN:

7 Q. Are you aware --

8 THE WITNESS: I don't believe that I am wrong.

9 MR. JORDAN: That's terrific. I am so happy for  
10 you.

11 BY MR. JORDAN:

12 Q. Are you aware that Hyatt Commercial sent a  
13 form of lease for 410 Rowe Boulevard, LLC, to Compass?

14 A. I believe that that is what that says.

15 Q. And do you dispute -- well, let's -- what  
16 does (indiscernible) say?

17 A. I am sorry. Can you ask your question,  
18 again?

19 Q. You said: I believe that's what it says in  
20 this non-binding letter of intent. We already looked  
21 at that. Did Hyatt Commercial send a formal release  
22 after April 6th to Compass?

23 A. I don't know the dates of when something was  
24 sent two years ago.

1 Q. No. I didn't ask you for the date. I asked  
2 whether they sent a lease?

3 A. You did ask about the date.

4 Q. Okay. Let's start again.

5 A. You asked if it was --

6 Q. Excuse me. I said let's start again. I'm  
7 not willing to engage in this pointless discussion  
8 about dates. Are you aware that Hyatt Commercial sent  
9 a form of lease to Compass for 410 Rowe Boulevard,  
10 LLC's property?

11 A. I don't recall that. If they did, they  
12 could have, but I don't recall it.

13 Q. And are you aware that according, at least,  
14 to Mr. Gallagher, Compass never responded after  
15 Compass received the form of the lease?

16 A. No, I'm not aware of your hearsay  
17 conversations with Mr. Gallagher.

18 Q. Okay. And with regard to the architect, who  
19 you don't remember.

20 A. That's not what I said.

21 Q. Who was the architect?

22 A. I said, I don't recall who the architecture  
23 firm was.

24 Q. Okay. All right. So with regard to the

1 architecture firm, or any architect working at the  
2 firm, who you do not recall, you don't have any  
3 knowledge that they stopped working for Compass  
4 because they received the complaint; is that correct?

5 A. No, that's incorrect. I actually have  
6 knowledge that they stopped returning our emails  
7 almost instantly after upon receiving the mailings.

8 Q. Okay. You know, you don't know, no one told  
9 you that they stopped communicating with you because  
10 they received the complaint?

11 MR. STERN: Objection to form.

12 BY THE WITNESS:

13 A. They told us that they did receive the  
14 complaint, and then they stopped communicating with  
15 us.

16 Q. Okay. And that's as much as you know?

17 A. No. I know more than that.

18 Q. What else do you know?

19 A. About what subject?

20 Q. About the subject that you said you know  
21 more about?

22 A. I didn't say what subject I know more about.  
23 I just simply said that's not all I know.

24 Q. I am confused by your response. I think you



1 probably think you're clever. That only makes one of  
2 us. So whe3n you said that you know more, what were  
3 you referring to?

4 MR. STERN: Greg, it is not productive. It is  
5 harassing. Like just ask the questions, please.

6 MR. JORDAN: All right.

7 BY MR. JORDAN:

8 Q. All right. What it I that you know more  
9 about then you said that in your response, Mr. White?

10 MR. GARTEN: Objection as to form because it is --  
11 why don't you be specific, what you said?

12 MR. JORDAN: I can't, Alan. Because he says he  
13 knows more about it. I am asking what he was  
14 referring to and he said he knows more about it. I  
15 can't. I don't know what he was referring to. I  
16 can't be any more specific than taking his exact words  
17 and asking him to expand upon them.

18 BY MR. JORDAN:

19 Q. So my question is: Will you please expand  
20 upon that response when you said you know more about  
21 it.

22 A. I didn't say I know more about it. Your  
23 question was, specifically, is that all you know? Do  
24 you know anymore?

1 Q. And you said?

2 A. I know more, but it depends upon what  
3 subject you are referring to.

4 Q. So you weren't referring to the architect?

5 A. Do I know other people at Hyatt other than  
6 the one guy John Gallagher that you spoke to? Yes.  
7 Know Justin Mullen. But, yeah, I know more but I  
8 don't know specifically what you would like to discuss  
9 more.

10 Q. I would like to discuss more but the  
11 architect, your knowledge as to -- other than the fact  
12 that you are saying that they stopped communicating  
13 with you, the linkage to receiving the complaint, do  
14 you know any more about it than the fact that you have  
15 already related?

16 A. Can you ask the question, again, Greg?

17 Q. Do you know any more about why the  
18 architect, or architecture firm, stopped communicating  
19 with Compass, other than what you testified previously  
20 in this deposition?

21 A. I don't believe so.

22 Q. Now, you have indicated previously that  
23 Compass Marketing is leasing space different than it  
24 had when David Boshea was terminated, correct?

1 A. Yes. Correct.

2 Q. Is it paying more or less than it would have  
3 paid for the property that Hyatt had?

4 A. I don't recall the numbers from two years  
5 ago.

6 Q. Okay. So the rental rate for Hyatt ten  
7 years, five months, was found in the lease  
8 commencement, upon the latter, a substantial  
9 completion of tenant improvements for December 31,  
10 2021. Rent commencement, 150 days filing lease  
11 commencement. Rental rate, \$38 per square foot, on an  
12 NNN basis with a base rent escalating at 2.5 percent  
13 per annum.

14 Being on the first anniversary of rent  
15 commencement, that tenant, being Compass, would be  
16 responsible for paying a proportionate share of  
17 operating expenses, estimated to be \$8.07 per square  
18 foot. In no event shall controllable operating  
19 expenses increase more than 3 percent over the  
20 previous year, controllable operating expenses.

21 Now are the terms that Compass obtained under the  
22 lease it has now the same or different from these  
23 terms?

24 A. I'm not familiar with the terms of the

1 lease, which we are in today.

2 Q. Do you have any reason to believe that the  
3 rental rate that Compass currently has is less than  
4 \$38 per square foot on an NNN basis?

5 A. I don't have any reason to believe that.

6 Q. Okay. Do you believe that the rental rate  
7 is more than \$38 per square foot on an NNN basis for  
8 the space that Compass currently leases?

9 A. I don't know what the terms are, so I don't  
10 have any reason to believe it's less or more.

11 Q. Okay. Is the space that Compass leases  
12 larger or smaller or the same as the proposed square  
13 footage on the Rowe Street property?

14 A. I don't know the square footage.

15 Q. Of what?

16 A. Of either. I see the square footage on the  
17 document, but I don't know what the square footage is  
18 of the current lease that we have.

19 Q. Okay. Did Compass eventually use an  
20 architect for the space in which it occupies  
21 currently?

22 A. No.

23 Q. Okay. Was Compass in default on its lease  
24 in the severance property at any time?

1           A.     If they were, I don't recall. Any time over  
2     20 years? What time period?

3           A.     From the beginning. Well, let's just say in  
4     the last three years before Compass moved out?

5           Q.     What's the question again, Greg?

6           A.     Was Compass ever in default under its lease,  
7     the severance property, in the last three years before  
8     it moved out?

9           A.     I don't recall. I don't believe so, but I  
10    don't recall for sure.

11          Q.     Okay. Do you know how Compass derived \$3.5  
12    million as the last opportunity (indiscernible) in its  
13    counterclaim?

14          MR. STERN: Is that -- are you reading from the  
15    counterclaim?

16          MR. JORDAN: Yes.

17          MR. STERN: That's not on the screen.

18          MR. JORDAN: I understand that it is not on the  
19    screen.

20    BY MR. JORDAN:

21          Q.     So do you know how it derives \$2.5 million  
22    is lost opportunity to reduce cost?

23          A.     I am not sure that's the number and I didn't  
24    calculate it myself.

1 Q. Who calculated it?

2 A. I would guess. And it is only a guess.  
3 It's the Chief Financial Officer.

4 Q. Who is that?

5 A. Lou Fernandes.

6 Q. Okay. Who at the architecture firm told you  
7 that they received, or did anyone at the architecture  
8 firm tell you that they received the complaint that  
9 David Boshea filed?

10 A. I don't remember which architecture firm it  
11 was, and they didn't tell me directly.

12 Q. Do you know, if anyone at the architecture  
13 firm told someone at Compass that they received the  
14 complaint that David Boshea filed?

15 A. Someone did. I just don't know who that  
16 was.

17 Q. Do you know how many hours Compass,  
18 employees spent designing and making plans for the  
19 Rowe Street office space?

20 A. I don't recall.

21 Q. Okay. Did Compass suffer any damages its  
22 reputation as a result of these broker or the  
23 architecture firm receiving David Boshea's complaint?

24 A. Yes.

1 Q. What were those damages?

2 A. What I personally believe the company's  
3 damages were; is that your question?

4 Q. Sure.

5 A. Am I not speaking for the company, they've  
6 got their own -- but I believe their reputation in the  
7 community was damaged.

8 Q. Okay. And what is your basis for saying  
9 that?

10 A. Well, the company has a good reputation in  
11 the community and the real estate broker and the  
12 landlord brokers are pretty significantly business in  
13 the community in Annapolis. So yeah, we probably  
14 suffered a reputational risk to the brand.

15 Q. Okay. Do you know if anyone from the  
16 brokerage firm or the architecture firm talked to  
17 anybody else about receiving the complaint, such that  
18 it would harm Compass's reputation in the Annapolis  
19 community?

20 A. I am sure that they did, but I can't recall  
21 who talked to who.

22 Q. Did anyone outside of the brokerage firm or  
23 the architectural firm ever tells you or someone at  
24 Compass of which you're aware that they discussed the

1 terms of the complaint?

2 A. Nobody told me directly.

3 Q. Do you know if anybody at Compass was ever  
4 told that?

5 A. I can't speak for Compass or everybody at  
6 Compass, but (indiscernible, talk over).

7 Q. Well, did anybody -- I am sorry, I am just  
8 trying to ask you because you're the only one here if  
9 anyone at Compass, Lou Fernandes, all the way down,  
10 said to you, you know, I talked to Joe Smith, who said  
11 that the real estate broker and/or the architect is  
12 telling people about the David Boshea complaint?

13 A. I don't know. No one told me that.

14 Q. Okay. As a result of this, does Compass  
15 have a lesser reputation in the Annapolis area?

16 A. I would guess that they do, but it is only a  
17 guess.

18 Q. What did you base your guess on?

19 A. Same thing before, that two reputable  
20 companies received defaming mailings.

21 Q. Okay. But you don't know if David Boshea  
22 had anything to do with sending the defaming mailings,  
23 right?

24 A. I don't have any personal knowledge that



1 David Boshea mailed the mailers.

2 Q. Did anyone ever tell you that David Boshea  
3 had something to do with sending the complaint to the  
4 architect or architecture firm or the broker or the  
5 brokerage firm?

6 A. No.

7 Q. Okay. Did anyone say anything to you or  
8 someone at Compass that Compass Marketing is a company  
9 that cannot be trusted and it is a company that does  
10 not honor its contractual obligations?

11 A. I can't speak for what anybody at Compass  
12 would have been told, but I can't recall that that was  
13 said to me.

14 Q. Okay. Now just kind of turning back. I  
15 think previously we had said Michael White, together  
16 with his son George White, as administrators of  
17 Compass domain for Electronic Communication Document  
18 Compass Marketing Inc., the .com domain  
19 (indiscernible) prevented and continues to prevent  
20 Compass from accessing records in the .com domain.

21 Now, I just want to make sure that I understand  
22 your answer. What efforts did Compass undertake to  
23 obtain a return of the .com domain?

24 MR. STERN: Objection. Asked and answered.

1 BY THE WITNESS:

2 A. What document are you -- can you put the  
3 document back up, Greg? What are you referring to?

4 Q. If you recall, and I will, give me just a  
5 second.

6 MR. GARTEN: Greg, do you need like a few -- five  
7 minutes or so?

8 MR. JORDAN: No. I am just trying to send the  
9 last exhibit to Stephen and Tom.

10 MR GARTEN: Okay.

11 MR. JORDAN: Because I am going to ask him about  
12 it. And then I am going to get off the  
13 interrogatories. But I wanted to have that in advance  
14 of asking him any questions about it.

15 MR. STERN: I have the file.

16 MR. JORDAN: Okay.

17 BY MR. JORDAN:

18 Q. Do you see preliminary statement number 5 up  
19 on the screen here? Do you remember this? This has  
20 to do with Michael White and George White taking the  
21 domain name. Do you remember that?

22 A. Yes, I do.

23 Q. Okay. And then to get back to my question,  
24 which was, you know, whether or not, I asked you

1 before, I just want to make sure I understand this.  
2 What efforts did Compass Marketing undertake to  
3 recover the domain name?

4 MR. STERN: Objection. Asked and answered.

5 MR. JORDAN: I understand.

6 BY THE WITNESS:

7 A. Greg, to be clear, you are asking me what's  
8 my personal knowledge of what efforts Compass  
9 Marketing undertook?

10 Q. That is correct.

11 A. My personal knowledge is that Compass  
12 Marketing engaged cybersecurity experts and a company  
13 called Data Link. That Compass contacted Microsoft  
14 and Google. Compass -- I asked directly, three times  
15 in writing to George White for the passcode and the  
16 credentials. And we reported to the police who  
17 investigated and determined that George and Michael  
18 White were still having access to the account after  
19 they were terminated.

20 Q. What police told you that?

21 A. The Maryland State Police.

22 Q. Okay. So you're saying that the Maryland  
23 State Police told you that Michael White, they did an  
24 investigation and Michael White and George White had

1 access to this?

2 A. Yes.

3 Q. Okay. I have Exhibit 21 up on the screen,  
4 and I just went online. I can see that there is a  
5 compassmarketinginc.com domain name. Did Compass  
6 Marketing contact -- what did it do to contact and  
7 communicate with Google? I think you said you  
8 contacted Google. What did it do to communicate to  
9 Google to obtain its domain name back?

10 A. I'm not sure because I didn't contact them.  
11 We have folks that were managing this. I'm not an IT  
12 expert (indiscernible), but I believe we contacted  
13 them directly. And also our outside service, cyber  
14 service company, contacted them directly, and both of  
15 them were not successful until the Maryland State  
16 Police contacted them with a subpoena.

17 Q. And when did they contact them with a  
18 subpoena?

19 A. I don't recall when that was.

20 Q. In the last year?

21 A. It was, I believe it was 2020, I believe,  
22 but I'm not certain of it.

23 Q. Okay. There is a contact email on here, on  
24 this "Whose Is" (phonetic) database that I can see

1 that -- it says that it's a live URL, right now, and  
2 the registry expiration is in 2026. And has anyone  
3 contacted Registrar Abuse at Google.com?

4 MR. STERN: Objection. Asked and answered.

5 BY THE WITNESS:

6 A. I am not the one doing the communicating for  
7 the company or for the outside service provider or for  
8 the Maryland State Police, so I wouldn't know.

9 Q. Did anybody contact, call the telephone  
10 number that's provided?

11 A. Again, since I didn't do the contact, I'm  
12 not sure if anybody from the outside service provider,  
13 our team internally, or the Maryland State Police  
14 called that phone number.

15 Q. So how long has it been since Compass hasn't  
16 had this compassmarketinginc.com URL?

17 A. I believe it was around April when Michael  
18 White left, and David Boshea --

19 Q. April of what year?

20 A. I think it was April of 2019.

21 Q. Okay. Did it do something? Did it file  
22 some sort of legal action to recover that in 2019 from  
23 Michael White, George White?

24 A. I don't believe the company filed a legal

1 action to recover that from Michael White and George  
2 White.

3 Q. Okay. When did the police tell you that  
4 they had some information showing that Michael White  
5 and George White had access to the control of the  
6 domain?

7 A. Just recently in a report they released.

8 Q. Okay. And since then that says Compass  
9 taken to -- take back or replevin its domain name?

10 A. It has only been a few days.

11 Q. So now it's only a few days ago Compass  
12 found out about this?

13 A. From the Maryland State Police.

14 Q. Okay. So Compass is going to take action to  
15 get back its domain name? Has it taken -- since I  
16 would think this would be important information to  
17 Compass, and since it was contacted by the Maryland  
18 State Police, what action has it taken?

19 MR. STERN Objection. Asked and answered.

20 BY THE WITNESS:

21 A. Would you like Jason to read back my answer?

22 Q. No. I wouldn't because it is a different  
23 question. Since the time it received this information  
24 that you're claiming is some days ago, what action has

1 Compass taken? It is a different question.

2 A. What action in the last two days has Compass  
3 taken? None.

4 Q. So you're saying that it happened two days  
5 ago, that the Maryland State Police reported to  
6 Compass, now?

7 A. Ask again, please, Greg?

8 Q. Are you saying that only two days ago, the  
9 Maryland State Police told Compass that George White  
10 and Michael White controlled the domain name?

11 A. That's not what I said.

12 Q. When did the Maryland State Police let you  
13 know that George -- they had information showing that  
14 George White and Michael White controlled the domain?

15 A. The State Police released a report two days  
16 ago that showed that George White and Michael White  
17 had access to the email systems after their employment  
18 with the company.

19 Q. So you do or don't know who controls the  
20 domain?

21 A. I don't personally know who controls the  
22 domain name. I know that Michael White and George  
23 White were the administrators of the account and they  
24 both have admitted that they were the administrators.

1 Q. Okay. So here we are three years later, and  
2 when did you first suspect that George White and  
3 Michael White controlled the domain?

4 A. In about April 2019, when Michael White  
5 left.

6 Q. Okay. And after they left, you didn't file  
7 any kind of legal action to take back or replevin the  
8 domain name, based upon your knowledge, right?

9 MR. STERN: Objection. Asked and answered.

10 BY MR. JORDAN:

11 Q. Specifically, right after -- in April 2019,  
12 I am asking a specific question about a specific time  
13 that you have identified. Did you take any action --

14 MR. STERN: (Indiscernible, talk over). He has  
15 answered this question several times.

16 MR. JORDAN: That's fine. Answer it again.

17 BY THE WITNESS:

18 A. Yes, we called the police.

19 Q. But did you file any lawsuit against Michael  
20 White and George White to take back or replevin the  
21 domain name in April 2019, or any time in 2019?

22 A. We called the Maryland State Police.

23 Q. All right. That's a different -- I didn't  
24 ask whether you called the Maryland State Police, I



1 asked whether you filed a civil complaint?

2 MR. STERN: Objection. Asked and answered several  
3 times.

4 BY MR. JORDAN:

5 Q. In 2019, did Compass file a civil complaint  
6 (indiscernible, talk over).

7 MR. STERN: Just because you rejected the date  
8 doesn't mean (indiscernible, talk over).

9 MR. GARTEN: Hold on.

10 BY MR. JORDAN:

11 Q. In 2019, did Compass file a civil complaint  
12 seeking to recover the domain name?

13 MR. STERN: Objection. Asked and answered.

14 BY THE WITNESS:

15 A. In 2019, we did not file a lawsuit. We  
16 called the police.

17 Q. In 2020 did Compass file a lawsuit to  
18 recover the domain name?

19 MR. STERN: Objection. Asked and answered.

20 BY THE WITNESS:

21 A. We called the police. Rather than filing a  
22 lawsuit, we called the police.

23 Q. And in 2021, did Compass file a lawsuit to  
24 recover the domain name?

1 MR. STERN: Objection. Asked and answered.

2 BY THE WITNESS:

3 A. Let me be clear, Greg, because you keep  
4 asking the same question. We have never filed a  
5 lawsuit as a way to try to recover the domain name.  
6 We called the law enforcement authorities.

7 Q. Okay. And I know there is a complaint,  
8 which I don't know that I've reviewed, in which  
9 Compass Marketing has sued Michael White and George  
10 White, is that -- that's correct that Compass has sued  
11 Michael White and George White; is that right?

12 MR. STERN: Objection. Relevance.

13 MR. JORDAN: Go ahead and answer.

14 MR. STERN: You can answer this one.

15 BY THE WITNESS:

16 A. Yes.

17 Q. Okay. And as a part of that lawsuit, did it  
18 have a count seeking to compel them to return the  
19 domain name?

20 MR. STERN: Objection. Relevance. The document  
21 then that -- the complaint in that lawsuit speaks for  
22 itself.

23 MR. JORDAN: You know what? It doesn't. The  
24 documents don't speak. And I don't know why you're

1 doing it. I have said to you, I don't have the  
2 complaint. So I haven't read the complaint. So I'm  
3 asking a simple question as to whether based upon this  
4 statement, you're saying that you knew back in 2019,  
5 April 2019, that Michael White had reason to know, at  
6 least. That Michael White and George White took the  
7 domain name. And you are relying on that in this  
8 lawsuit to not to say you can't produce documents. So  
9 I am trying to find out if there is a count in that  
10 complaint seeking the return of that domain name.

11 MR. STERN: Objection. It is irrelevant. But  
12 answer to the extent that you can.

13 BY THE WITNESS:

14 A. My personal knowledge, I don't know all the  
15 counts. I believe it is an over 20 count claim, 80  
16 pages. I don't know.

17 Q. I am not asking you to tell me all the  
18 counts, all the counts in the complaint. I am asking  
19 you specifically if there is a count in the complaint  
20 seeking to recover the domain name?

21 MR. STERN: Objection. Relevance. Same statement  
22 as before.

23 BY THE WITNESS:

24 A. It is an 80-page complaint, Greg. I don't

1 know what is in it. I don't know what is not in it.  
2 It is 80 pages.

3 Q. You know, what? How much are you suing for  
4 in that complaint?

5 A. I am not suing, Greg. The company is suing.

6 Q. The company, right. How much is your  
7 company suing for in that complaint?

8 MR. STERN: Objection. Relevance. Are we doing a  
9 deposition about the complaint that David Boshea has  
10 filed in this case? Or the other lawsuit that Compass  
11 Marketing has filed against other people that are not  
12 parties to this litigation?

13 MR. JORDAN: We are only talking about David  
14 Boshea's lawsuit. And Compass's claim that it can't  
15 produce relevant documents and I am trying to figure  
16 out the -- what it has done to obtain those documents  
17 so that it can vindicate David Boshea's position, in  
18 response to your objection. Now, how much is  
19 Compass's --

20 MR. STERN: (Indiscernible, talk over) several  
21 times.

22 MR. JORDAN: Excuse me.

23 BY MR. JORDAN:

24 Q. How much is Compass Marketing suing --

1 seeking to recover in that complaint?

2 MR. STERN: Greg, Objection. Asked and answered.  
3 Relevance. And (indiscernible, talk over).

4 MR. JORDAN: No, no. It has been asked. It has  
5 been asked and I have explained the relevance, but Mr.  
6 White has not answered it. So, no.

7 BY MR. JORDAN:

8 Q. How much is Compass Marketing suing for in  
9 that complaint?

10 MR. STERN: Objection. Also, objections before.

11 MR. GARTEN: Character.

12 BY THE WITNESS:

13 A. The complaint is public, Greg. You can read  
14 it yourself.

15 Q. You know what? Again, I could do lots of  
16 things, but I haven't, and I don't have it. Okay. So  
17 how much is Compass suing for in that complaint?

18 A. I don't know.

19 MR. STERN: Same objection.

20 BY THE WITNESS:

21 A. I don't recall. To make it plain --

22 Q. Okay. More or less than a billion dollars?

23 A. I don't recall. It is an 80-page complaint  
24 with a lot of damages.

1 Q. Okay. So your testimony is you don't  
2 recall. Have you read the complaint?

3 MR. STERN: Objection. Relevance.

4 MR. JORDAN: Again, I Am not going to start with  
5 you about the relevance. I explained the relevance.

6 BY MR. JORDAN:

7 Q. But have you read the complaint, Mr. White?

8 A. Not lately, no.

9 Q. No, I didn't ask if you've read it lately.  
10 I have no idea when it was filed, but I think it's  
11 been filed more than recently.

12 A. It's a public document.

13 Q. Again, thank you. Thank you for letting me  
14 know it is a public document. That's not responsive.

15 MR. STERN: I would like to take a break at this  
16 moment because this is --

17 MR. JORDAN: No. I am almost finished. We don't  
18 need to take a break.

19 MR. STERN: This is (indiscernible, talk over)  
20 another lawsuit that is not -- none of the parties in  
21 that lawsuit, other than the fact Compass Marketing is  
22 a plaintiff and it is a defendant in this case.

23 MR. JORDAN: Stephen, your client is using its  
24 alleged inability to obtain documents from that domain

1 as a basis for not producing documents in this case, so  
2 I am asking questions about --

3 MR. STERN: (Indiscernible, talk over). I am  
4 going to go and speak to the judge.

5 MR. JORDAN: No, you know what --

6 MR. GAGLIARDO: Let Mr. Jordan speak.

7 MR. STERN: Greg, I will explain why. If you can  
8 cite some affirmative duty under the law that Compass  
9 Marketing has to take action to obtain those records,  
10 please let me know what that is. I know  
11 (indiscernible, talk over).

12 MR. JORDAN: I don't need --

13 MR. STERN: That's first of all. Second of all,  
14 he has now articulated several times that the action  
15 taken was to go to the police, is what Compass  
16 Marketing has done. So I am not sure where you are  
17 going with this, and what the purpose is. He has  
18 articulated several times, and I think we're going now  
19 way down a rabbit hole that is not -- that has been  
20 asked and answered several times, and it's veering  
21 into a different lawsuit.

22 So we're giving -- I am giving you plenty of  
23 latitude on this, but it is like (indiscernible, talk  
24 over).

1 MR. JORDAN: I don't need you to give me latitude  
2 on an item that is clearly relevant to this lawsuit  
3 because you are claiming that you can't produce  
4 documents. And here we are, three years later, and  
5 you haven't, as far as I can tell, taken affirmative  
6 action in the court to recover those documents. And  
7 yet you're complaining that you don't have the  
8 documents because of these fellows that you identified  
9 in your discovery responses as having those things.

10 MR. STERN: (Inaudible, talk over).

11 MR. JORDAN: I cannot compel. The only part of  
12 the compel, the turnover of the domain name is Compass  
13 Marketing. And you are hiding behind -- your client  
14 is hiding behind its inaction as a reason for not  
15 producing the documents. So I want to know what  
16 actions it is taking in this lawsuit that it has  
17 pending against these two White people to obtain the  
18 domain, so that I can get the documents that will  
19 vindicate my client's position. It cannot be more  
20 relevant than that.

21 MR. STERN: All right. First of all, the value of  
22 what Compass Marketing are this the monetary damages  
23 that Compass Marketing is seeking in some other  
24 lawsuit has no bearing on your -- on the statements



1 you just articulated, first of all.

2 Second of all, John White has now articulated  
3 several steps that the company has taken with respect  
4 to the loss of those -- the access to those emails.  
5 Because whether or not they filed the lawsuit and what  
6 that lawsuit seeks, just because it's not the action  
7 you would prefer to take, doesn't mean it's an  
8 improper action. Like I said (indiscernible, talk  
9 over).

10 MR. JORDAN: I'm sorry, Stephen, that your client  
11 isn't taking the direct action to recover the  
12 documents that it is hiding behind the reason for not  
13 having them.

14 MR. STERN: (Indiscernible, talk over).

15 MR. JORDAN: Can you bring the witness in so I can  
16 ask my questions because we have exhausted -- you have  
17 not convinced me and I'm not going to stop asking my  
18 questions.

19 MR. STERN: Greg, let me say a few more things and  
20 then we are going to have to take a pause. First of  
21 all, (indiscernible, talk over).

22 MR. JORDAN: I'm not taking the 9indiscernible,  
23 talk over).

24 MR. STERN: A single step law that requires

1 Compass Marketing to take affirmative action in a  
2 litigation to recoup that. Secondly, you imply that  
3 somehow Compass Marketing is deliberately not taking  
4 action, and therefore, can hide these documents. And  
5 your lawsuit was filed, if I don't remember, until  
6 sometime in early 2021.

7 So how did Compass Marketing know in 2019 that  
8 this lawsuit was coming? It didn't. How did it know  
9 in 2020 that this lawsuit was coming? It didn't. So  
10 do not try to suggest that somehow the failure to file  
11 a lawsuit in those years somehow is directly tied to  
12 hiding documents in some future litigation like this.  
13 (Indiscernible, talk over).

14 MR. JORDAN: I hope that you don't think that I'm  
15 implying that. I am saying it.

16 MR. STERN: Well, again, that's an absurd  
17 assertion.

18 MR. JORDAN: I am not really interested in your  
19 characterizations. I want to know how much they're  
20 suing for and why it is, if they're not seeking their  
21 current domain --

22 MR. STERN: What does the monetary amount have to  
23 do with whether or not Compass Marketing is trying to  
24 get back its documents? What does one have to do with

1 the other?

2 MR. JORDAN: That's for me to argue; isn't it?  
3 (Indiscernible, talk over).

4 MR. STERN: No, it is not. Right now, this is  
5 going down a path where you are seeking information  
6 that is not relevant --

7 MR. JORDAN: (Indiscernible, talk over).

8 MR. STERN: It is a violation (indiscernible, talk  
9 over).

10 MR. JORDAN: I don't know why you can't let your  
11 client -- why your client won't answer and why you are  
12 trying to have your client avoid answering what is a  
13 simple question.

14 MR. STERN: I am not trying to have him avoid it.

15 MR. JORDAN: Yes, you are.

16 MR. STERN: (Indiscernible, talk over) you want it  
17 answered, but (indiscernible, talk over).

18 MR. JORDAN: (Indiscernible, talk over) bring him  
19 back --

20 MR. STERN: (Indiscernible, talk over) you want it  
21 answered (indiscernible, talk over).

22 MR. JORDAN: Bring him back.

23 MR. REPORTER: Speak one at a time, please.

24 MR. JORDAN: Can you bring him back? I'll ask my

1 questions and then we can finish.

2 MR. TOLLEFSON: My name is Brian Tollefson and I  
3 represent Compass Marketing in this case. I have only  
4 been on the case for a little a little while, so I'm  
5 still getting up to speed. It sounds like, Greg,  
6 that, you know, you are concerned with actions that  
7 Compass has taken in order to comply with discovery  
8 requests in this matter.

9 And I think Mr. White has answered all the  
10 questions to allow you to understand where they are,  
11 as far as possession, custody, and control of those  
12 documents. They don't have possession, custody, or  
13 control the documents. And he has explained the  
14 measures that he's taken in order to obtain that.

15 As far as the other lawsuit, I'm deeply concerned  
16 that your questions seek to reveal privileged  
17 information and/or highly confidential information.

18 MR. JORDAN: Can I stop you there.

19 MR. TOLLEFSON: I am not going to make any  
20 representation --

21 MR. JORDAN: Let me stop you there.

22 MR. TOLLEFSON: (Indiscernible, talk over).

23 MR. JORDAN: Brian, Brian, Brian, hold on. Let  
24 me stop you there. All I asked him for was how much

1 they are suing for and is there a count in the lawsuit  
2 in which they seek return of the domain?

3 If I could care less about the strategies of how  
4 they're prosecuting a lawsuit or any of the pleadings  
5 in the lawsuit other than the complaint or the amended  
6 complaint, which I haven't reviewed, then I could care  
7 less. It's impossible for me to care less than I do.  
8 All I'm asking for is simple question.

9 MR. TOLLEFSON: If I am not a lawyer, it there is  
10 a number on the complaint you can get it from the  
11 public record. (Indiscernible, talk over).

12 MR. JORDAN: (Indiscernible, talk over).

13 MR. TOLLEFSON: If there is not a number on the  
14 complaint than that information is going to be  
15 privileged. (Indiscernible, talk over).

16 MR. JORDAN: Well, someone told me and I can't  
17 verify it. Someone told me you guys are suing for  
18 over a billion dollars. I don't know if that's true.

19 MR. TOLLEFSON: I don't have a copy of the  
20 complaint in front of me. I don't know so we are  
21 going to instruct him not to answer.

22 MR. JORDAN: He can answer on, I guess, his  
23 knowledge.

24 MR. TOLLEFSON: Do you want to take a break and

1 go read the complaint and see if there is a number in  
2 there. And then we will come back and give you the  
3 number. It will just be (indiscernible, talk over).

4 MR. HORDAN: Okay. Go through the complaint. Do  
5 two things. Go through the complaint, find out the  
6 number, go through the complaint and find out if they  
7 sued for the return of the domain name and we will  
8 come back in 10 minutes. Okay?

9 MR. TOLLEFSON: We will take it under advisement,  
10 and we will take the break.

11 MR. JORDAN: You just said -- you just offered.  
12 I just took you up on your offer.

13 MR. GARTEN: Okay. I want to add to that.

14 MR. TOLLEFSON: We are not getting off on the  
15 right foot here.

16 MR. GARTEN: I just -- Greg, you know, here is  
17 what I suggest right now. Give me just one minute to  
18 caucus with these guys, so just hang in there.

19 (A short break was taken.)

20 MR. GARTEN: Okay, Greg, I am back. Are you  
21 around? Greg, can you hear me?

22 MR. JORDAN: Give me just a second, Alan. I am  
23 communicating with my co-counsel.

24 MR. GARTEN: Okay. We are back on. We are just

1 waiting for Greg to come on.

2 MR. JORDAN: Okay. I am back.

3 MR. TOLLEFSON: So I am not really sure. It  
4 seemed like you were asking me to pull up the  
5 complaint, which I did. So Paragraph 3  
6 (indiscernible) in the complaint, is asking for return  
7 of Compass's networks. So they are asking for an  
8 order to return control of Compass's network to  
9 Compass.

10 MR. JORDAN: Okay. Again, I told you I have not  
11 looked at the complaint. I don't know, it is not that  
12 big of deal. So it is filed. When did it file the  
13 complaint?

14 MR. STERN: Whatever -- the - February 14th --

15 MR. JORDAN: He has it right there. I am not  
16 trying to be difficult. I just --

17 MR. GARTEN: February 14th, 2022.

18 MR. JORDAN: Of this year?

19 MR. GARTEN: Yes.

20 MR. JORDAN: Okay. All right. Very good. All  
21 right, I'm going to call -- Tom, can you please call  
22 me because I don't want it to go to your switchboard  
23 and we'll see if there's anything else, and then maybe  
24 we'll pass the witness. Or, you know, Tom gives me an

1 idea, (indiscernible).

2 MR. GARTEN: Are you taking a five-minute break?

3 MR. JORDAN: Let's take five minutes.

4 MR. GARTEN: Okay.

5 (A short break was taken.)

6 MR. REPORTER: We are off the record.

7 MR. GARTEN: We're back. I know you said you are  
8 finished with the witness. There is something we want  
9 to go over with you.

10 MR. JORDAN: Hold on.

11 MR. TOLLEFSON: We are going to have some  
12 redirect.

13 MR. JORDAN: If you have redirect, redirect. If  
14 we are going to have a conversation, I don't really  
15 need it to be on the record.

16 MR. GARTEN: I think that what we want to talk to  
17 you about belongs on the record.

18 MR. JORDAN: Okay. Go ahead.

19 MR. TOLLFESON: Thank you. So this is Brian  
20 Tollefson speaking on behalf of Compass Marketing.  
21 So, Greg, today, I believe that I heard some testimony  
22 that may have revealed confidential proprietary  
23 business information owned by Compass Marketing, and  
24 John White likely has non-disclosure obligations that



1 would prevent disclosure of this information. And  
2 what I'd like to ask from you is that Compass  
3 Marketing's attorneys will be provided the opportunity  
4 to review the transcript, and we would like to  
5 provide a redacted version of that transcript, if  
6 there is time (indiscernible, talk over).

7 MR. JORDAN: No, no, absolutely not. No. you  
8 want to go to court and say after the fact that you  
9 want some sort of a protective order, you can, but you  
10 cannot redact it from my transcript. You could say  
11 that there is some sort of public --

12 MR. TOLLEFSON: Hold on, hold on, let me finish  
13 because I think you misunderstand me.

14 MR. JORDAN: I clearly did.

15 MR. TOLLEFSON: Yeah, you misunderstand me. So we  
16 could go right to the Court right now and move for a  
17 protective. You know, we could go to the Court right  
18 now and ask for a protective order. (Indiscernible,  
19 talk over).

20 MR. JORDAN: (Indiscernible, talk over).

21 MR. TOLLEFSON: Let me finish.

22 MR. JORDAN: No, no. Cut to the chase. Tell me  
23 what it is that --

24 MR. TOLLEFSON: (Indiscernible, talk over).

1 MR. JORDAN: Hold on, hold on. Tell me after you  
2 get the transcript, tell me what is confidential and  
3 then I will either agree or not agree, but it is a  
4 little to amorphous for me to say that --

5 MR. TOLLEFSON: You are misunderstanding me.

6 MR. JORDAN: I am.

7 MR. TOLLEFSON: Let me try again.

8 MR. GARTEN: I have to move the cameras here.

9 MR. TOLLEFSON: I would like to mark the -- right  
10 now, I am going to mark the transcript confidential  
11 outside attorney eyes only. You can use the  
12 transcript. This doesn't affect your ability to use  
13 the transcript in this litigation in any way.

14 All I'm trying to do is on behalf of Compass  
15 Marketing, prevent the disclosure of proprietary  
16 business information. And so under the typical  
17 scenario, we would provide you with what's called a  
18 redacted public version of the transcript. But your  
19 version is the whole thing. It would just be more  
20 confidential, just like you would have in any other  
21 litigation where you have confidential documents, and  
22 you have nonconfidential documents.

23 What I'd like to ask you is your agreement to  
24 treat the transcript as outside attorneys only, highly

1 confidential until we've had an opportunity to review  
2 it. And then if we determine that there is  
3 confidential information in there, we will tell you  
4 what it is, and then we can discuss. But typically,  
5 what I'm used to is providing a redacted copy that  
6 would be the public copy, and this would avoid having  
7 to go to the Court filing protective order and all  
8 that nonsense.

9 MR. JORDAN: Okay. Here is what I'm willing to  
10 do. The transcript is going to come out in a week.  
11 You guys could send me an email that identifies the  
12 areas that you believe are confidential, and we can  
13 discuss them. And if I understand that other than,  
14 you know, John White made some sort of statement that  
15 isn't the best thing in the world for him in this  
16 other lawsuit, that's a different matter. You know,  
17 it's not a matter of confidentiality. It is a matter  
18 of I really wish I hadn't said that. You guys in the  
19 next seven days, send me -- and, you know, we're both  
20 here, we know what we're talking about.

21 That email is between you three, and Tom and I.  
22 All right. And then we will talk about it and we'll  
23 say -- because I don't know anything that John White  
24 said that that he couldn't have said on the public

1 corner. But it's hard for me to agree to that.

2 MR. TOLLEFSON: Right. And then --

3 MR. JORDAN: And you can do that, and you don't  
4 have to -- you won't have the transcript, I won't have  
5 the transcript. You're thinking of something that I  
6 don't have any idea, honestly, what it is that's  
7 confidential, so I just don't know.

8 MR. TOLLEFSON: Thank you. Thank you. And you  
9 may be entirely right. A typical protective order of  
10 this kind would give, you know, the parties ten days.

11 MR. JORDAN: 30 days (indiscernible, talk over).

12 MR. TOLLEFSON: To then state it, and typically  
13 you would just market or something like that. So I  
14 appreciate that offer.

15 MR. JORDAN: I just don't know where you are  
16 going.

17 MR. TOLLEFSON: We will turn it around very fast.

18 MR. JORDAN: Yeah, I don't know where you're  
19 going. So it's hard for me to say, but I'm not  
20 closing the door. I'm just saying that I don't know  
21 what we're talking about.

22 MR. STERN: Greg, I don't want to speak for Briand  
23 and Brian knows this matter than me, but my  
24 understanding of the procedure is it is temporarily

1 deemed confidential and only for the attorneys in this  
2 case. And then once we get this worked out --

3 MR. JORDAN: I am not agreeing to that.

4 MR. STERN: Greg, it is lifted at that point. The  
5 idea is to give us the opportunity because if let's  
6 say in that interim period, until we get back to you,  
7 then there is, hey, you are free to use it wherever.  
8 And the point is, we're trying to avoid that until we  
9 have the opportunity to complete the review. That's  
10 it. It is a temporary blanket confidentiality until we  
11 have the opportunity to complete the review. After  
12 that, that's lifted, but for only those items that we  
13 agree on.

14 MR. JORDAN: Okay. I have already said my piece.  
15 Brian, do you want to take the lead or whatever, just  
16 identify so I have some context, is again, I have sat  
17 here for seven-and-a-half hours and I don't know  
18 anything that discloses any business secrets, trade  
19 secrets, or anything else. But maybe there are, and I  
20 know -- listen, if I could care less about Dan White,  
21 Mike White, George White's lawsuit position, Compass's  
22 lawsuit, position, I would, but I am at the limit of  
23 my lack of interest, other than to the extent that I  
24 don't have documents that I wish I had to vindicate my

1 case.

2 So I'm not here trying to help them or anybody  
3 else with another lawsuit. At the same time, I don't  
4 know what you're talking about, but you guys can  
5 explain it in general terms because you don't have the  
6 transcript, you can't say, well, John said this or  
7 that because you don't have the transcript, either. So  
8 just send me an email, take your time, craft it up.  
9 You know, I'm not running on an expedited basis.

10 I don't imagine you are either. And even if I  
11 did, the court reporter would tell you that I was  
12 running on an expedited basis, even though I'm not.  
13 So we'll talk about it. But I don't know what you're  
14 talking about, and I don't think you really want to  
15 say it on the record, either.

16 MR. TOLLEFSON: Okay. But you agree that you will  
17 agree to keep the transcript confidential when you  
18 receive it until you and I have figured out whether or  
19 not it includes Compass's proprietary business  
20 information, correct?

21 MR. JORDAN: No.

22 MR. TOLLEFSON: Okay. We don't have an agreement.

23 MR. JORDAN: I am agreeing -- hold on just a  
24 second. I am agreeing that we're going to talk about

1 it over the next seven days to figure out what the  
2 heck you're talking about in general terms so I  
3 understand where you're going. And those emails are  
4 confidential, all right, because I don't know what  
5 you're talking about, confidential. So it's hard for  
6 me -- I don't want to I don't want to agree to  
7 something in a vacuum.

8 MR. TOLLEFSON: That's fine. That's fine. I'll  
9 do this rapidly with you because it sounds like you  
10 are not agreeing to keep the transfer confidential.

11 MR. JORDAN: But I am willing to consider it.

12 MR. TOLLEFSON: Okay. So we have to figure this  
13 out because we may have to file a motion with the  
14 Court. Okay.

15 MR. JORDAN: I am not closing the door on it. I  
16 am saying explain to me, in general terms, what we are  
17 talking about so I can agree or not agree.

18 MR. TOLLEFSON: (Indiscernible, talk over).

19 MR. JORDAN: Hold on just a second.

20 MR. TOLLEFSON: I think that's the cart before the  
21 horse because conceptually it sounds like we're on the  
22 same page. The only thing that's unclear.

23 MR. STERN: (Indiscernible, talk over).

24 MR. TOLLEFSON: It is fine. I will make a more

1 concise, written offer.

2 MR. JORDAN: That will be confidential. I just  
3 want to represent on the record because you have them  
4 going here. Those communications, no matter what you  
5 say, will be -- Tom and I will keep those in  
6 confidence. We won't even share them with David. So  
7 that we have a fulsome conversation, and it could lead  
8 to, you know, a verbal conversation about it.

9 And if I understand where you're going, we can  
10 easily agree between ourselves there is a  
11 confidentiality. I just don't know, you know, what he  
12 said. I am thinking of, like, how much he pays in  
13 square foot rent or, you know, what he did to get  
14 these things?

15 Those are all matters that are going to come out  
16 anyway. So I don't know. I am sure you're a very  
17 persuasive guy, and you may be able to convince me.  
18 So let's just go on that line. But I don't want to  
19 agree to something that I have to say later, I am  
20 going back on. That's all.

21 MR. TOLLEFSON: I understand. I was just trying  
22 to get you to agree to a procedure. Not agree  
23 (indiscernible).

24 MR. JORDAN: Let's just go through.



1 MR. TOLLEFSON: I just want to be clear that, you  
2 know, this is Compass Marketing's position.

3 MR. JORDAN: Right, right.

4 MR. TOLLEFSON: That it may have disclosed it is  
5 confidential information today.

6 MR. JORDAN: And we will talk about it.

7 MR. TOLLEFSON: Thank you. Thank you for hearing  
8 me out.

9 MR. JORDAN: You know, what, it is a pleasure  
10 meeting you.

11 MR. GARTEN: Likewise. It has been a pleasure.

12 MR. JORDAN: I have never met him before.

13 MR. GARTEN: And I want to tell you that our  
14 mutual friend, Cindy Johnson, said a lot of nice  
15 things about you.

16 MR. JORDAN: I am glad that's on the record. You  
17 guys have any questions for the witness?

18 MR. STERN: We do not. On behalf of Compass  
19 Marketing, we do not. Turn it over to Alan in a  
20 moment. We will read and sign the transcript.

21 MR. GARTEN: Okay. I have no redirect. I think  
22 we can conclude it for today.

23 MR. JORDAN: Okay. Thank you, Mr. White, for  
24 coming in today. I am sure you would have rather done

1 something else, but it was illuminating.

2 MR. WHITE: Thank you.

3 MR. JORDAN: I am leaving now.

4 MR. REPORTER: We are off the record at 5:41 p.m.  
5 Central Time. Good afternoon, everyone.

6 (WHEREUPON, the deposition  
7 was adjourned at 5:41 p.m.  
8 Central Time.)  
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